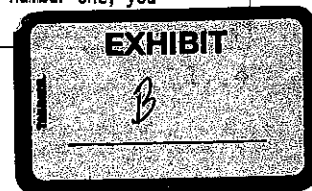


Litroy Bolton 03/07/2017

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION</p> <p>4 LITROY BOLTON, ) 5 ) 6 Plaintiff, ) 7 ) 8 -vs- ) No. 16 cv 5012 9 ) 10 MIGUEL ORTIZ, et al., ) 11 ) 12 Defendants, ) 13 ) 14 ) 15 ) 16 ) 17 ) 18 ) 19 ) 20 ) 21 ) 22 ) 23 ) 24 )</p> <p>The deposition of LITROY BOLTON, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Pamela L. Cosentino, Certified Shorthand Reporter for the State of Illinois, at Cook County Jail, 2700 South California, Illinois, on the 7th day of March, 2017, at the hour of 1:30 p.m.</p> <p>Reported by: Pamela L. Cosentino, CSR License No.: 084-003601</p> <p style="text-align: right;">1</p>	<p>1 INDEX</p> <table border="1"> <thead> <tr> <th>2 WITNESS</th> <th>DX</th> <th>CX</th> <th>RDY</th> <th>RCX</th> </tr> </thead> <tbody> <tr> <td>3 LITROY BOLTON</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4 By Mr. Coyne</td> <td>4</td> <td></td> <td></td> <td></td> </tr> <tr> <td>5 By Ms. West</td> <td></td> <td>87</td> <td></td> <td></td> </tr> <tr> <td>6 By Mr. Field</td> <td></td> <td>88</td> <td></td> <td></td> </tr> </tbody> </table> <p>7 EXHIBITS</p> <table border="1"> <thead> <tr> <th>8 EXHIBIT NUMBER</th> <th>MARKED FOR ID</th> </tr> </thead> <tbody> <tr> <td>9 Bolton Deposition</td> <td></td> </tr> <tr> <td>10 Exhibit No. 3</td> <td>43</td> </tr> </tbody> </table> <p>11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p style="text-align: right;">3</p>	2 WITNESS	DX	CX	RDY	RCX	3 LITROY BOLTON					4 By Mr. Coyne	4				5 By Ms. West		87			6 By Mr. Field		88			8 EXHIBIT NUMBER	MARKED FOR ID	9 Bolton Deposition		10 Exhibit No. 3	43
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<p>1 A P P E A R A N C E S:</p> <p>2 LOEY &amp; LOEY, By 3 MR. VINCENZO FIELD 4 311 North Aberdeen Street, 3rd Floor 5 Chicago, Illinois 60607 6 (312) 243-8900 7 Email: vince@loey.com</p> <p>8 On behalf of the Plaintiff;</p> <p>9 HON. KIMBERLY M. FOXX, 10 State's Attorney of Cook County, By 11 MS. ALLYSON WEST 12 Richard J. Daley Center 13 50 West Washington 14 Chicago, Illinois 60602 15 (312) 603-6299 16 Email: Allyson.west@cookcountyil.gov</p> <p>17 -AND-</p> <p>18 JOHN C. COYNE LAW OFFICE, By 19 MR. JOHN C. COYNE 20 53 West Jackson Boulevard, Suite 1750 21 Chicago, Illinois 60604 22 (312) 583-9500 23 Email: jcc@johncoynelaw.com 24 On behalf of the Defendants; * * *</p> <p style="text-align: right;">2</p>	<p>1 (witness duly sworn.)</p> <p>2 MR. COYNE: Let the record reflect this is 3 the deposition of plaintiff Litroy Bolton taken 4 pursuant to notice to all parties and in compliance 5 with all applicable rules of the Federal Rules of 6 Civil Procedure.</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY MR. COYNE:</p> <p>9 Q. Mr. Bolton, my name is John Coyne. I 10 represent the defendants Miguel Ortiz, et al. I 11 appreciate you making yourself available for the 12 deposition today.</p> <p>13 During the deposition, how would you like me 14 to address you? Mr. Bolton? Litroy?</p> <p>15 A. Doesn't matter.</p> <p>16 Q. During the course of the deposition, I am 17 going to try to ask you questions that you easily 18 understand. And if I fail to do that, just let me 19 know.</p> <p>20 And I will repeat the question or rephrase 21 it, whichever you prefer. Is that fair enough?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Can we agree that if you begin to answer the 24 question, that that will mean, number one, you</p>																															



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<p>1 understood it, and, number two, you are giving the</p> <p>2 most complete and truthful answer you're capable of?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Can you start with your full name including</p> <p>5 middle initial, spelling it, please?</p> <p>6 A. My full name is Litroy, middle name start</p> <p>7 with an M, Marcelle, last name Bolton.</p> <p>8 Q. What is your date of birth?</p> <p>9 A. 11-15-86.</p> <p>10 Q. What is your current residence address?</p> <p>11 A. My current residence.</p> <p>12 Q. Other than this?</p> <p>13 A. 1858 South Avers.</p> <p>14 Q. Is that in Chicago?</p> <p>15 A. Illinois.</p> <p>16 Q. Who do you reside there with?</p> <p>17 A. My grandmother, Mattie Woods, M-a-t-t-i-e.</p> <p>18 Q. So today you're how old?</p> <p>19 A. I am 30.</p> <p>20 Q. Can you give me a background of your formal</p> <p>21 education, sir?</p> <p>22 A. I graduated from William Penn Elementary.</p> <p>23 Went to Westinghouse Career Academy, Homewood,</p> <p>24 Franklin.</p>	<p>1 Q. What's his mother's name?</p> <p>2 A. Shyera Gaston.</p> <p>3 Q. Do you know how to spell the first name?</p> <p>4 A. S-h-y-e-r-a, Gaston, G-a-s-t-o-n.</p> <p>5 Q. Mr. Bolton, what's your Social Security</p> <p>6 number?</p> <p>7 A. 357-76-6727.</p> <p>8 Q. You're presently in custody in the Cook</p> <p>9 County Jail, Division 11; is that fair?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What's the charge that has you here?</p> <p>12 A. Allegations of I believe home invasion.</p> <p>13 Q. Are you represented by private criminal</p> <p>14 defense counsel or the public defender?</p> <p>15 A. Public defender, sir.</p> <p>16 Q. What public defender is representing you?</p> <p>17 A. Armando Sandoval.</p> <p>18 Q. Sandoval?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have a trial date in that matter or is</p> <p>21 it just pending?</p> <p>22 A. Still pending.</p> <p>23 Q. Have you ever lived in any other states</p> <p>24 besides Illinois?</p>
<p>1 Q. I'm sorry, what was the last thing you said?</p> <p>2 A. Westinghouse career vocational high school,</p> <p>3 Homewood, Franklin. Westinghouse high school. It's a</p> <p>4 vocational high school.</p> <p>5 Q. What year did you graduate from there?</p> <p>6 A. I never graduated. I got dropped out because</p> <p>7 of my attendance my junior year.</p> <p>8 Q. Do you have a GED?</p> <p>9 A. No, sir.</p> <p>10 Q. Are you married or single?</p> <p>11 A. I am single, sir.</p> <p>12 Q. Have you ever been married?</p> <p>13 A. No, sir.</p> <p>14 Q. Do you have any children?</p> <p>15 A. Yes, sir.</p> <p>16 Q. How many?</p> <p>17 A. I got one, a junior.</p> <p>18 Q. Your name but junior?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How old is he?</p> <p>21 A. He's 15 months.</p> <p>22 Q. Who does he live with?</p> <p>23 A. Right now he stays with his mother I believe,</p> <p>24 with his mother.</p>	<p>1 A. No, sir.</p> <p>2 Q. Do you have any siblings?</p> <p>3 A. Yes.</p> <p>4 Q. How many?</p> <p>5 A. Three -- there is three of us. I got two</p> <p>6 sisters and one brother.</p> <p>7 Q. And do your parents reside in the Chicago</p> <p>8 area?</p> <p>9 A. Yes, they deceased.</p> <p>10 Q. Mr. Bolton, the lawsuit that has been filed</p> <p>11 on your behalf alleges an incident that took place on</p> <p>12 or about January 17, 2014.</p> <p>13 Do you understand that?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And a lot of the questions I am going to ask</p> <p>16 you today pertain to that particular incident.</p> <p>17 Do you have a specific recollection of that</p> <p>18 incident, of an incident occurring on or about that</p> <p>19 date?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Are you presently under any prescription</p> <p>22 medications?</p> <p>23 A. No, sir.</p> <p>24 Q. Are you taking anything that would affect</p>



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1 your memory or your ability to testify truthfully and  
2 accurately in this deposition?

3 A. No, sir.

4 Q. At the time of the incident that we're here  
5 today to discuss, were you an inmate in the Cook  
6 County Jail?

7 A. Yes, sir.

8 Q. Do you know -- do you recall what division  
9 you were in?

10 A. I was in Division VI, but they were  
11 transferring me from Division VI to Division VIII.

12 Q. Do you know what purpose you were being  
13 transferred for?

14 A. Not at all.

15 Q. Do you know how long you had been in Cook  
16 County Jail custody as of January 17, 2014?

17 A. How long I was incarcerated that whole time?

18 Q. Up to that date.

19 So as of January 17, 2014, do you know how  
20 long you had been in Cook County Jail?

21 A. I don't know. Maybe a couple days.

22 Q. And the arrest that put you in jail at that  
23 time, was that for possession of cannabis?

24 A. Yes, sir.

9

1 corrections officer, Miguel Ortiz; is that fair?

2 A. Yes.

3 Q. Do you recall approximately what time that  
4 incident occurred?

5 A. It was later on, maybe 10, 10:00 o'clock that  
6 night.

7 Q. As I understand it, you were being  
8 transferred from Division VI to Division VIII?

9 A. Yes, sir.

10 Q. I don't know if you testified to this  
11 already, but what's your understanding for the reason  
12 for the transfer?

13 A. I don't know. They just called my name and  
14 told me to pack it up and be on --

15 Q. In the course of being transferred from  
16 Division VI to Division VIII, were you handcuffed at  
17 any time?

18 A. I probably was hand- -- I don't remember if I  
19 was handcuffed.

20 Q. At the time of the subject incident, were you  
21 handcuffed?

22 A. No.

23 Q. And if I use the phrase "the subject  
24 incident," can we agree that I am referring to the

11

1 Q. Do you know if that was straight possession  
2 or whether it was possession with intent to deliver,  
3 if you know?

4 A. I don't remember. It could have been  
5 possession with intent, just a possession. I don't  
6 know. I don't even remember.

7 Q. Understood. Did you have any co-defendants  
8 in that case?

9 A. No, sir.

10 Q. What was the eventual disposition in that  
11 case? What ended up happening?

12 A. In my preliminary hearing, the case got  
13 dismissed.

14 Q. Do you know did the officer testify at your  
15 preliminary hearing?

16 A. Yes, he did.

17 Q. Do you know if it was dismissed because of a  
18 finding of no probable cause or for some other reason?

19 A. The finding of no probable cause. I believe  
20 the judge didn't believe the officer that was  
21 testifying.

22 Q. As I understand it, the incident that  
23 occurred that gave rise to your complaint had to do  
24 with a conflict or an altercation between you and

10

1 incident where you had an altercation with Defendant  
2 Ortiz?

3 A. Yes.

4 MR. FIELD: Just object to the term  
5 "altercation" being vague.

6 But you can answer.

7 BY MR. COYNE:

8 Q. At the time of your in-custody status, on or  
9 about January 17, 2014, were you under any medications  
10 at that time?

11 A. No, sir.

12 Q. Did you have any physical ailments as of the  
13 time that you were admitted in custody to Cook County  
14 Jail?

15 A. Excuse me, I don't understand that.

16 Q. I will rephrase.

17 Did you have any physical problems? Were you  
18 in pain of any sort when you were admitted prior to  
19 January 17th?

20 A. No, sir.

21 Q. Did you have any mental health diagnosis  
22 prior to January 17, 2014, that you are aware of?

23 A. No, none that I don't -- I do not recall.

24 Q. As of the time you were being transported to

12



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1 Division -- from Division VI to Division VIII, how  
2 many members or employees of the jail, so far as you  
3 can recall, were in the process of helping you move or  
4 transporting you?

5 A. It was one transporting officer until I got  
6 to the place where they actually wanted me to be.

7 Q. Do you know the name of that officer, by  
8 chance?

9 A. Correctional Officer Ivory.

10 Q. Where did you first encounter corrections  
11 officer, Ivory? Was it while you were in the cell?

12 A. No, I believe he was the officer that  
13 actually came and got me from Division VI to do the  
14 whole transfer, I believe.

15 Q. Were you given any instructions or any  
16 information from Officer Ivory or anyone else prior to  
17 being moved from Division VI to Division VIII?

18 A. No.

19 Q. I understand that at the time of the  
20 incident, you were holding certain personal items, at  
21 the time the incident occurred?

22 A. Yeah, I had the bed roll, the stuff that they  
23 give you in order to fix your bed.

24 Q. Anything else you were holding at that time?

13

1 occurred prior to your in-custody stays at Cook County  
2 Jail?

3 A. Never.

4 Q. Now, in preparation for your deposition,  
5 Mr. Bolton, other than speaking to your counsel, and I  
6 don't want to know anything you said to him or he said  
7 to you, but in preparation to your deposition, did you  
8 do anything in particular to prepare? Did you review  
9 any documents?

10 A. Did I review any documents? I looked at a  
11 couple pieces of paperwork.

12 Q. Do you know what the paperwork was that you  
13 had reviewed?

14 A. I can't say exactly.

15 Q. Were they documents generated by the Cook  
16 County Jail as far as you know?

17 A. Yes.

18 Q. Were there any documents you reviewed that  
19 you yourself signed?

20 A. Me myself signed?

21 Q. Yeah, that you signed, any documents.

22 A. Yeah.

23 Q. Was there more than one or was there just one  
24 that you signed?

15

1 A. Just the bed roll.

2 Q. To the best of your recollection, is it fair  
3 to say that you were dressed pretty much similar to  
4 the way you're dressed now?

5 A. Correct.

6 Q. The clothes you were wearing were issued to  
7 you by the Cook County Jail?

8 A. Yes.

9 Q. Had you ever seen Officer Miguel Ortiz at any  
10 time prior to January 17, 2014?

11 A. Never.

12 Q. Had you ever seen Officer Ivory at any time  
13 prior to that date?

14 A. Never.

15 Q. As of January 17, 2014, how many prior times  
16 had you been in custody in the Cook County Jail?

17 A. I have been in custody in Cook County Jail a  
18 few times.

19 Q. Do you know how many times prior to  
20 January 17?

21 A. I don't know exactly how many, but I have  
22 been in custody a few times before.

23 Q. Were there any incidents or anything, so far  
24 as you understand the word "incident," anything that

14

1 A. Maybe a few.

2 Q. Do you know what they were?

3 A. Just the grievance.

4 Q. Anything else that you did other than  
5 reviewing documents in order to prepare for your  
6 deposition here today?

7 A. No, nothing.

8 Q. Have you ever -- have you spoken to  
9 corrections officer, Miguel Ortiz, at any time after  
10 January 17, 2014?

11 A. No, sir.

12 Q. How about corrections officer, Ivory?

13 A. No, sir.

14 Q. Had you had a personal conversation with any  
15 of the individuals who were present at the time of  
16 your incident after it occurred?

17 A. I may have seen one since I have been here.

18 Q. Do you know who that was?

19 A. Officer Ramos.

20 Q. Did you any conversation with Officer Ramos?

21 A. No, he tried to converse with me because he  
22 knew who I was.

23 Q. What, if anything, did he say to you?

24 A. He just asked me what happened as far as with

16



1 my situation.  
 2 Q. When you say your situation, do you mean why  
 3 you're presently in Cook County Jail?  
 4 A. When I recently been incarcerated, he asked  
 5 me as far as like what was the results as far as what  
 6 happened or whatever.  
 7 Q. When you say "what happened," are you  
 8 referring to the incident on January 17?  
 9 A. Yes.  
 10 Q. What did you tell him?  
 11 A. I told him nothing.  
 12 Q. Did you respond in any way to him when he  
 13 asked?  
 14 A. I didn't tell him nothing.  
 15 Q. Other than Officer Ramos, in the limited way  
 16 you've described, have you had any other conversations  
 17 since January 17, 2014, with employees of the Cook  
 18 County Jail regarding that accident?  
 19 A. No.  
 20 Q. When was the first time that you saw Miguel  
 21 Ortiz prior to the incident occurring?  
 22 A. When was the first time that I seen Miguel  
 23 Ortiz?  
 24 Q. Right, prior to the incident on January 17,

17

1 2014, happened?  
 2 A. It was my first time seeing him when I got  
 3 transferred.  
 4 Q. I understand that you were going to be  
 5 transported to a particular cell originally; is that  
 6 fair?  
 7 A. Yes.  
 8 Q. At some point, you overheard a conversation  
 9 regarding the condition of that cell; is that true?  
 10 A. Yes.  
 11 Q. Can you tell me about that, what you  
 12 overheard?  
 13 A. At the time that they was trying to place me  
 14 into the assigned cell, Correctional Officer Ramos,  
 15 came and told Officer Ortiz that I could not be placed  
 16 inside of the cell because it was a quarantine.  
 17 Q. At the time that statement was made, it was  
 18 made by Ramos to Ortiz?  
 19 A. Exactly.  
 20 Q. Besides you, was there anyone else present?  
 21 A. Correctional Officer Ivory.  
 22 Q. Anyone else present besides them?  
 23 A. Just us.  
 24 Q. Did that conversation take place in the

18

1 general vicinity of where the incident occurred?  
 2 A. Exactly.  
 3 Q. Ramos was speaking to Ortiz directly at that  
 4 time?  
 5 A. Yes.  
 6 Q. What, if anything, did Ortiz say in response?  
 7 A. He didn't say nothing right away, but after a  
 8 certain amount of time, he told him that they assigned  
 9 me to that cell, "We are going to put him in the cell  
 10 anyway."  
 11 Q. Had you seen that cell at that point?  
 12 A. I never saw the cell.  
 13 Q. Did Officer Ramos say anything in response to  
 14 officer Ortiz saying that they were going to put you  
 15 in that cell anyway?  
 16 A. No.  
 17 MR. FIELD: Just one second.  
 18 (Off the record.)  
 19 BY MR. COYNE:  
 20 Q. Did Officer Ivory say anything in response to  
 21 anything Ortiz or Ramos had said?  
 22 A. No.  
 23 Q. At some point, did you say something?  
 24 A. Yes. I asked to speak to a sergeant or a

19

1 lieutenant, someone in charge.  
 2 Q. Was that because you didn't want to go in the  
 3 cell?  
 4 A. Yes, sir.  
 5 Q. Why was that?  
 6 A. Because the cell was quarantine. Officer  
 7 Ramos told Ortiz that the cell was actually in a  
 8 quarantine.  
 9 Q. By "quarantine," what did you take that to  
 10 mean?  
 11 A. Contagious. Something that I can catch, like  
 12 a disease. A way you can get sick, anything.  
 13 Q. As of the time that Officer Ramos told  
 14 officer Ortiz that it was quarantined, did you have  
 15 any other knowledge about the state of that cell other  
 16 than what Ramos had told Ortiz?  
 17 A. I just knew that officer -- see, Officer  
 18 Ortiz was by the desk. He had the computer, like this  
 19 computer right here (indicating). So I guess his job  
 20 was to just log in the computer what cell that you go  
 21 into.  
 22 But Officer Ramos was the guy officer that  
 23 actually was on the wings that actually knew about the  
 24 wings, so I guess he informed Ortiz about the cell at

20



1 the time.  
 2 Q. At that point, you had yet to be in the cell.  
 3 In fact, you were never in the cell?  
 4 A. I never went in the cell.  
 5 Q. As to the state of the cell whether it was,  
 6 in fact, contagious or not, that was something you had  
 7 no direct information about; is that fair?  
 8 A. Yes.  
 9 Q. Other than what Officer Ramos had said to  
 10 Ortiz, did you ever have any other information about  
 11 the state of that cell that you were supposed to go  
 12 to?  
 13 A. No. Just what Officer Ramos informed Ortiz.  
 14 Q. So you asked to speak to a sergeant or  
 15 lieutenant because you had concerns about being sick  
 16 if you were placed in a cell that was contagious?  
 17 A. Exactly.  
 18 Q. Did you ever speak to a sergeant or a  
 19 lieutenant?  
 20 A. Yes, I did.  
 21 Q. Any time before the confrontation before you  
 22 and Ortiz?  
 23 A. It was way after the incident.  
 24 Q. When I say -- I have use the word "subject

21

1 incident, incident," and "confrontation." So to be  
 2 fair to you, do you understand that when I say  
 3 "subject incident" or "confrontation" or "incident," I  
 4 am referring to the physical confrontation between you  
 5 and Ortiz; is that fair?  
 6 A. Yes.  
 7 Q. Did you have any other conversation -- strike  
 8 that.  
 9 Did Ramos say anything else to Ortiz other  
 10 than what you've testified to prior to the  
 11 confrontation with you and Ortiz?  
 12 A. No.  
 13 Q. So if I understood your testimony correctly,  
 14 Ortiz said he was going to put you in that cell  
 15 anyway?  
 16 A. Exactly.  
 17 Q. Did he make any statement about -- that is  
 18 did Ortiz make any statement about the condition of  
 19 the cell?  
 20 A. No. He just said basically he didn't care,  
 21 they assigned me to that cell, he going to put me in  
 22 the cell anyway.  
 23 Q. Do you know what the cell number was?  
 24 A. I think it was 2-A.

22

1 Q. Do you know if anyone had -- strike that.  
 2 Do you know when the last time was that  
 3 anyone was in that cell prior to you?  
 4 A. I don't know.  
 5 Q. Now, when you said Officer Ortiz was at his  
 6 computer, do you mean he was in his room off the  
 7 hallway?  
 8 A. He was like right across maybe from where I  
 9 was standing at. I would say it was like in a booth.  
 10 Q. Was that booth in a room that was off the  
 11 hallway?  
 12 A. I can't say it was a room because there was  
 13 no closed door. So it was just like a little booth.  
 14 Q. To get to the booth, you would walk  
 15 through -- you would walk to that booth through the  
 16 hallway?  
 17 A. To get to the booth?  
 18 Q. Yes.  
 19 A. The booth -- it's like a hallway separating  
 20 the booth and the side that I was at.  
 21 Q. Did you review the video that was generated  
 22 from this incident?  
 23 A. Yes, sir.  
 24 Q. Did you review that within the past 48 hours?

23

1 A. No, sir.  
 2 Q. You have seen it at some point?  
 3 A. Yes, sir.  
 4 Q. As far as you're concerned -- we may watch  
 5 the video here, but as far as you are concerned, did  
 6 that video capture the incident that led to your  
 7 filing the complaint against Officer Ortiz?  
 8 A. Yes, sir.  
 9 Q. Were there any aspects of the incident that  
 10 you believe were not accurately captured on that  
 11 video?  
 12 A. Was there any aspect?  
 13 Q. Sure. I'll ask it in a different way.  
 14 Was there anything that happened that you  
 15 remember that was not captured on the video?  
 16 A. The video showed everything clearly what  
 17 happened.  
 18 Q. Did the video that you watched, did it  
 19 contain any audio at all?  
 20 A. No audio.  
 21 Q. Have you ever heard any recording of the  
 22 conversation between you and Officer Ortiz that took  
 23 place prior to the confrontation?  
 24 A. Never.

24





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<p>1 Q. To the best of your recollection, was Officer 2 Ivory depicted in the video at some point?</p> <p>3 A. Yes, he was in the video.</p> <p>4 Q. What about Officer Ramos?</p> <p>5 A. Yes, he was in the video.</p> <p>6 Q. After Officer Ortiz told you that you were 7 going to go in the cell anyway, despite your protest, 8 what, if anything, did you say?</p> <p>9 A. All I asked was for a sergeant or white 10 shirt.</p> <p>11 And I told him also that, "If I was you and 12 you was me, would you want me to go in a cell that's 13 quarantined?" That's what I did say.</p> <p>14 I told him I didn't want to go in a cell 15 that's quarantined. I didn't want to get sick.</p> <p>16 Q. Did he say anything in response to that?</p> <p>17 A. He said, "If you don't get in the cell, we 18 are going to put you in the cell anyway," but he said 19 that as he was walking towards me, as he was 20 approaching me.</p> <p>21 Q. And are you referring to the moments just 22 before the confrontation occurred?</p> <p>23 A. Yes, like when he was right directly in front 24 of my face.</p> <p style="text-align: right;">25</p>	<p>1 A. I tried to get on the ground.</p> <p>2 Q. You tried to get on the ground.</p> <p>3 So you tried to get on the ground as he was 4 approaching you, and were you still holding the bed 5 roll at that time?</p> <p>6 A. No.</p> <p>7 Q. You had let it go?</p> <p>8 A. Yes.</p> <p>9 Q. Was it your intent -- why was it your intent 10 to get on the ground?</p> <p>11 A. Because I was nervous. I was frightened, 12 because I saw Officer Ortiz trying to do something 13 with me indulged in his hands.</p> <p>14 Q. Was it your intent to get facedown or on your 15 back?</p> <p>16 A. It was my intent to turn around and get 17 helped -- held loose, like on the ground, for me to 18 roll around on my stomach or lay down flat and just 19 turn around and give them my hands, that was my 20 objective.</p> <p>21 Q. Why was that your objective at that point?</p> <p>22 A. Because I was scared, I was nervous. After 23 he tried to reach -- after he came up into my face and 24 got to talk to me, after he actually reached for me</p> <p style="text-align: right;">27</p>
<p>1 Q. Other than what you've testified to, as far 2 as did Officer Ivory say anything to you at that 3 point?</p> <p>4 A. No.</p> <p>5 Q. What about Officer Ramos?</p> <p>6 A. No.</p> <p>7 Q. So the bulk of the conversation immediately 8 prior to the incident was between you and Officer 9 Ortiz?</p> <p>10 A. Exactly.</p> <p>11 Q. After Officer Ortiz started to approach you 12 in the manner you've described, what happened next?</p> <p>13 A. He tried to -- I saw that he was trying to 14 put his hands on me like he was going to reach for me, 15 so I got nervous.</p> <p>16 So I tried to get away from him because I 17 seen that he was actually trying to do something to me 18 with his hands. So I stepped back away if him, but I 19 guess I fell. But I tried to get on the ground and 20 turn around and just get on the ground.</p> <p>21 Q. At that point, you were not cuffed, correct?</p> <p>22 A. No, sir.</p> <p>23 Q. At the time he approached you, you said you 24 tried to walk away --</p> <p style="text-align: right;">26</p>	<p>1 and actually tried to touch me, I just tried to get on 2 the ground.</p> <p>3 Q. What is your height and weight today?</p> <p>4 A. I'm about 5-8, maybe 155, 160.</p> <p>5 Q. Were you substantially the same weight on 6 January 17, 2014?</p> <p>7 A. Probably so, yes.</p> <p>8 Q. What happened next?</p> <p>9 A. What happened next as far as?</p> <p>10 Q. In the incident.</p> <p>11 You got on the ground?</p> <p>12 A. I got on the ground. I felt someone hitting 13 me, the officer is going to hit me. At least -- I was 14 just being hit.</p> <p>15 After I was being hit, I felt a knee like, 16 you know, in my body. Just a knee like moving me 17 around a little bit, but then I was getting 18 handcuffed.</p> <p>19 Q. Who was striking you? Who was hitting you?</p> <p>20 A. I believe Officer Ortiz.</p> <p>21 Q. Did you have a direct and unobstructed view 22 to Officer Ortiz at the time you were being hit?</p> <p>23 A. I could not see directly.</p> <p>24 Q. To the best of your knowledge, did anyone --</p> <p style="text-align: right;">28</p>



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1 well, let me back up.  
 2 What's your -- what are your reasons for  
 3 believing it was Officer Ortiz that hit you?  
 4 A. What was my reasons?  
 5 Q. Yeah, why did you believe that?  
 6 A. Probably because I didn't do what he said as  
 7 far as like -- he came towards me. I believe he was  
 8 maybe upset at me.  
 9 Q. As far as your belief that it was Ortiz that  
 10 was striking you, is it your belief that he was the  
 11 only one who hit you at that time?  
 12 A. Yes.  
 13 Q. Were you able to see him hitting you or do  
 14 you just believe that for other reasons?  
 15 A. I maybe seen him maybe the first swing or so,  
 16 but after that I was trying to move my face. But I  
 17 knew he was the one that was actually hitting me.  
 18 Q. Did anyone other than Ortiz hit you at any  
 19 time?  
 20 A. No.  
 21 Q. Were you -- at the time you were being hit,  
 22 were you resisting arrest as far as you know?  
 23 A. No.  
 24 Q. Were you resisting at any point between the

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1 time Ortiz walked up to you and the time you were  
 2 placed in handcuffs?  
 3 A. No. All I did was get on the ground. I  
 4 don't recall me resisting.  
 5 Q. Were you ever instructed by Ortiz or anyone  
 6 else to get on the ground?  
 7 A. He told me prior to him trying to reach for  
 8 me -- prior to him trying to grab me to get on the  
 9 ground, he did tell me to get on the ground, but he  
 10 did as in his motion trying to reach for me too.  
 11 When I actually seen him trying to touch me,  
 12 because he told me he was going to put me in the cell  
 13 anyway, I got on the ground.  
 14 Q. Was that the last thing he said to you before  
 15 you got on the ground, that he was going to put you in  
 16 the cell anyway?  
 17 A. No, that wasn't the last thing he said to me.  
 18 Q. What was the last thing he said to you before  
 19 you started to get on the ground?  
 20 A. "Get on the ground," as he was moving in  
 21 motion.  
 22 Q. So he told you to get on the ground, and then  
 23 you were starting to get on the ground?  
 24 A. He said it all in one motion. As he was

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1 saying, "Get on the ground," he was reaching on me  
 2 too.  
 3 Once I seen him reaching with his hands to  
 4 try to touch me, I backed up and jumped away from him  
 5 and then tried to get on the ground.  
 6 Q. Did he threaten you in any way prior to your  
 7 getting on the ground?  
 8 A. He never threatened me. He just was trying  
 9 to force me inside the quarantined cell.  
 10 Q. Do you know how far the quarantined cell was  
 11 from the location where the incident occurred?  
 12 A. No.  
 13 Q. Do you know whether it was on the same floor  
 14 or the same level?  
 15 A. I believe it's on the same level, but I don't  
 16 know exactly where.  
 17 Q. At some point, you were placed in handcuffs?  
 18 A. Yes.  
 19 Q. Other than the hitting that you received that  
 20 you've already testified to, and the knee that you  
 21 received into the body, is there any other physical  
 22 contact?  
 23 A. No.  
 24 Q. If you know, do you know how many times you

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1 were hit prior to being handcuffed?  
 2 A. Maybe eight, nine times, punched.  
 3 Q. After you were handcuffed, were you struck at  
 4 any time by anyone?  
 5 A. As I was getting handcuffed, I believe he was  
 6 still swinging.  
 7 Q. After the point where you were successfully  
 8 handcuffed, were you hit by anyone?  
 9 A. I wasn't hit by anyone.  
 10 Q. After you were handcuffed, you were not hit?  
 11 A. After I was handcuffed, he still hit me maybe  
 12 a few times, but it was -- he was doing it -- while  
 13 the other officer was handcuffing me, he was punching  
 14 me.  
 15 Q. At the point where both cuffs were placed on  
 16 your wrist, were you struck at any time?  
 17 A. Maybe a couple more times. I felt like  
 18 somebody grab my DOC and, like, I believe it was Ortiz  
 19 and, like, lift on me and then my head kind of hit the  
 20 ground a little.  
 21 Q. So as far as the physical contact between you  
 22 and Ortiz, it consisted of him hitting you, to the  
 23 best of your recollection, eight to nine times, and  
 24 then you were also kneed at some point. Is that fair?

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<p>1 A. I can't say "knee." His knee was just -- you 2 know how police officer -- well, they got someone on 3 the ground, how they have their knee inside the body. 4 Q. Other than that contact and the eight to nine 5 times being hit, was there any other physical contact 6 between Ortiz and you? 7 A. Only -- I believe he grabbed my shirt, lifted 8 my body up a little and let my head fall on the 9 concrete ground. 10 Q. When you say he let your head fall on the 11 concrete ground, just tell me specifically what you 12 mean by that? 13 A. Like he grabbed me and lifted my body up a 14 little while I was cuffed and then my head hit the 15 ground. 16 Q. I understand you're cuffed, so that limits 17 your ability to demonstrate. 18 But, for the record, the witness was -- had 19 his hands together and was lifting upwards from his 20 waist upwards. 21 BY MR. COYNE: 22 Q. How many times did that happen? 23 A. Once. 24 Q. After you were handcuffed, what happened</p>	<p>1 else who was at that scene? 2 A. I did not -- after they -- after I got up, I 3 believe there was another officer that maybe walked up 4 and gathered around and was talking to them, maybe one 5 more officer. 6 Q. What physical injuries did you sustain from 7 this confrontation? 8 A. I had a couple of knots in the back of my 9 head. I had a swollen eye, face was swollen. 10 I had a few migraines, migraines, sharp pains 11 in the head throughout the incarceration. Every so 12 often, just a sharp pain in the back of my head. 13 Q. Anything else? 14 A. No. 15 Q. Which eye was swollen? 16 A. I don't remember exactly which one as of now. 17 It's been a long time now, but... 18 Q. Was your vision affected in any way as a 19 result of this incident? 20 A. For maybe a week while my eye was swollen, 21 yeah, I mean -- I had a swollen eye, so, I mean, my 22 eye was messed up maybe until it got healed or until 23 the swelling went down. 24 Q. Are you -- you closed your left eye. Is it</p>
<p>1 next? 2 A. I got up, I scooted against the wall and I 3 waited to talk to a sergeant or lieutenant. 4 Q. Did Officer Ortiz say anything to you after 5 you were handcuffed? 6 A. No. 7 Q. Did Ramos say anything to you after you were 8 handcuffed? 9 A. No. 10 Q. Did Ivory say anything to you after you were 11 handcuffed? 12 A. No. 13 Q. Did there come a time when the sergeant or 14 lieutenant arrived? 15 A. Yes. 16 Q. Do you know the name of that officer? 17 A. I don't know the name of the sergeant. 18 Q. Was it a white shirt? 19 A. Yes, sir. 20 Q. How much time elapsed between the time you 21 were handcuffed and the time the white shirt arrived? 22 A. Maybe 10 to 15 minutes. 23 Q. Besides Ramos, Ivory and Ortiz and yourself, 24 prior to the white shirt arriving, was there anyone</p>	<p>1 your -- 2 A. I am just describing -- I don't know exactly 3 which eye. 4 Q. The migraines that you sustained -- you 5 called them "migraines" -- had you suffered migraine 6 headaches any time before January 17, 2014? 7 A. Throughout my whole life? 8 Q. Any time before January 17. 9 A. Yes, I got migraines before, but it was a 10 sharp pain from the incident of him banging my head 11 against the ground. 12 Q. Let me pause for one moment. 13 Unless somebody objects, I am going to shut 14 the door. 15 (Whereupon, the record was 16 read as requested.) 17 BY MR. COYNE: 18 Q. When you said that he banged your head 19 against the ground, earlier I wrote down that he 20 lifted you up and let your head fall to the concrete. 21 Are you referring to a separate encounter or 22 separate attack on you or is this the same one? 23 A. That's the same one. 24 Q. Based on your recollection, is it more</p>



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<p>1 accurate to describe it that he let your head hit the</p> <p>2 ground or that he actually physically forced your head</p> <p>3 into the concrete?</p> <p>4 A. He wanted my head to hit the concrete so he</p> <p>5 made sure my head hit the concrete.</p> <p>6 Q. As to whether he let it fall or whether he</p> <p>7 slammed it, are you able to say specifically --</p> <p>8 A. I can't say specifically. It sound like the</p> <p>9 same thing.</p> <p>10 Q. You had a couple of knots on the back of your</p> <p>11 head. Was it immediately in the rear of your skull or</p> <p>12 on the left side or the right side?</p> <p>13 A. I had one knot right here, on the right of my</p> <p>14 head, and maybe on the left side.</p> <p>15 Q. First one you indicated, for the record, was</p> <p>16 above the collar in the middle of the back of the</p> <p>17 skull.</p> <p>18 The second one appeared to be to the left,</p> <p>19 above your left ear, correct?</p> <p>20 A. Yes.</p> <p>21 Q. To the rear and above your left ear.</p> <p>22 Were these two -- how long before these knots</p> <p>23 resolved or went away?</p> <p>24 A. Maybe a couple of months.</p> <p style="text-align: right;">37</p>	<p>1 Q. The sharp pains in the back of your head --</p> <p>2 did you say it was in the back of your head?</p> <p>3 A. Yes.</p> <p>4 Q. Were they the same as where you were</p> <p>5 indicating where the knots were, is that where the</p> <p>6 sharp pains were?</p> <p>7 A. Yes.</p> <p>8 Q. Had you ever taken any medication,</p> <p>9 over-the-counter or otherwise, for headaches prior to</p> <p>10 January 17, 2014?</p> <p>11 A. Yes.</p> <p>12 Q. Was it over-the-counter or prescription</p> <p>13 medication?</p> <p>14 A. Just prescription medication.</p> <p>15 Q. Do you recall who the physician was who</p> <p>16 prescribed those medications to you?</p> <p>17 A. I believe the medication that I took was</p> <p>18 really pain medication that was here. So I don't know</p> <p>19 if you mean that I was prescribed. I mean, it was</p> <p>20 just the medication that I would receive when I was</p> <p>21 here.</p> <p>22 Q. Did you have a primary care physician outside</p> <p>23 of Cook County that treated you prior to January 17th?</p> <p>24 A. No. I just took regular pain medication. If</p> <p style="text-align: right;">39</p>
<p>1 Q. Did you bleed in any way as a result of the</p> <p>2 confrontation?</p> <p>3 A. No. Just had a swollen face.</p> <p>4 Q. When you say you had a swollen face, was the</p> <p>5 swelling restricted to one side of your face or the</p> <p>6 other or was it on both sides?</p> <p>7 A. I believe this was -- it was to one side of</p> <p>8 the face.</p> <p>9 Q. Do you know, was that -- you indicated to the</p> <p>10 right. Do you recall which --</p> <p>11 A. I don't know exactly which side of the face</p> <p>12 it was, but I know whatever side of the face it was,</p> <p>13 it was one-half of the face that was swollen.</p> <p>14 Q. Understood.</p> <p>15 Was the swelling above the nose or below the</p> <p>16 nose as well?</p> <p>17 A. Nose, the eye, it was all together, on one</p> <p>18 side of the face.</p> <p>19 Q. To the best of your recollection, did the</p> <p>20 swelling extend down below your nose line, in other</p> <p>21 words, down to your jaw area?</p> <p>22 A. No. It was just the eye and maybe the nose</p> <p>23 and maybe the part of my face, like the jaw,</p> <p>24 everything, things like this (indicating).</p> <p style="text-align: right;">38</p>	<p>1 my head hurt -- was hurting, I just took maybe an</p> <p>2 Advil or Tylenol.</p> <p>3 Q. Had you ever been hospitalized overnight</p> <p>4 prior to January 17, 2014?</p> <p>5 A. No.</p> <p>6 Q. Had you ever been in a car accident before</p> <p>7 January 17, 2014?</p> <p>8 A. No.</p> <p>9 Q. Any physical altercation prior to that date</p> <p>10 that resulted in you receiving medical treatment for</p> <p>11 any reason?</p> <p>12 A. No.</p> <p>13 Q. The knots on the back of your head, I believe</p> <p>14 you said they resolved within a couple of months?</p> <p>15 A. Yes.</p> <p>16 Q. The swelling in your face, how long before</p> <p>17 that resolved?</p> <p>18 A. Maybe by the time I went home, within three</p> <p>19 weeks it was down.</p> <p>20 Q. Do you remember when you went home after</p> <p>21 January 17, 2014?</p> <p>22 A. I believe it was February 3rd.</p> <p>23 Q. The migraines, how long did they continue?</p> <p>24 A. I just, like, maybe had, like, maybe sharp</p> <p style="text-align: right;">40</p>



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<p>1 pains throughout, like, every now and then I guess, 2 like, if I was stressed or something like that, I'd 3 get like a sharp pain from where I landed on my head. 4 Q. Did you receive any medical opinion that the 5 migraines that you experienced after the date of the 6 altercation were attributable to the altercation? 7 A. No, sir. 8 Q. Did you injure any part of your body below 9 your neck as a result of the altercation? 10 A. No, sir. 11 Q. Is it fair to say that within roughly one 12 month after the altercation, the physical injuries you 13 sustained had basically gone away? 14 A. Yes, sir. A month or two. 15 Q. I'm sorry? 16 A. A month or maybe two months. 17 Q. Did there come a time when you had filed a 18 grievance against Officer Ortiz? 19 A. Yes. 20 Q. Was that as a result of the incident? 21 A. Yes. 22 Q. What specifically caused you to file a 23 grievance? 24 A. It was the protocol -- or maybe the action</p> <p style="text-align: right;">41</p>	<p>1 to fall to the ground? 2 A. I didn't want him to actually touch me as 3 physically, like, because I know that some 4 correctional officers will beat you, like, put their 5 hands on you. 6 So as I seen him actually trying to put his 7 hands on me, I made myself to get helpless on the 8 ground so I wouldn't get touched. 9 Q. At that time, Officer Ortiz was pretty much 10 right in front of you, at the time you were going to 11 the ground? 12 A. He was in front of me. He's putting his 13 hands in my face. 14 Q. At that time, where was Ivory and Ramos? Do 15 you know if they were to the right, to the left, if 16 you know? 17 A. I believe one officer was maybe to the left 18 and both of them was on one side I believe, to my 19 left. 20 (Whereupon, Bolton Deposition 21 Exhibit No. 3 was marked for 22 identification.) 23 BY MR. COYNE: 24 Q. Mr. Bolton, I am going to show you -- first</p> <p style="text-align: right;">43</p>
<p>1 that I had to do to maybe get something done about 2 what the officer had did to me. 3 Q. Clearly, you feel and felt that what Officer 4 Ortiz did to you was inappropriate, true? 5 A. Yes, sir. 6 Q. What specifically do you believe he did to 7 you that was inappropriate? 8 A. Hit me when I was on the ground, just putting 9 his hands on me as a correctional officer. It was 10 very inappropriate. 11 Q. Do you believe at the time he approached you 12 immediately prior to your going to the ground, do you 13 believe at that time he was within his rights as a 14 corrections officer, if you know? 15 A. Yes. 16 Q. It was at the point where he was attempting 17 to put his hands on you that he crossed the line, so 18 to speak? 19 A. Just him actually hitting me, like he was 20 hitting me and him grabbing me and banging my head 21 against the ground. 22 Q. As far as you're going on -- going to the 23 ground, was that something that was a result of your 24 decision or do you think he assisted you or caused you</p> <p style="text-align: right;">42</p>	<p>1 show your counsel, what's been marked as Bolton 2 Exhibit 3. And this has already been marked. I am 3 going to show your counsel. 4 I am just going to ask you to take a look at 5 this. It's what I understand to be the Sheriff's 6 Office of Cook County Internal Affairs/Inspector 7 General Complaint Register. 8 For the record, it's Bates stamped P56, -57, 9 and -58. I understand that to be three pages long. 10 Is this a document you have seen before, sir? 11 A. Yes. 12 Q. Is one of the documents you reviewed in 13 preparation for your deposition? 14 A. Yes. 15 Q. Could you kindly take a look at that? I want 16 to give you a chance to read it. If you've read it 17 recently enough, you can just let me know. 18 It is three pages long, so I am going to ask 19 you a few questions about the entire document. 20 MR. FIELD: The third page is not a part of 21 the actual Cook County Jail grievance. That's a 22 separate document. 23 MR. COYNE: Okay. 24</p> <p style="text-align: right;">44</p>



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1 BY MR. COYNE:  
 2 Q. Let's make a correction for the record.  
 3 The complaint register based on plaintiff's  
 4 counsel's representation is actually two pages long.  
 5 So it should be P-56 and P-57; is that fair?  
 6 MR. FIELD: Yes.  
 7 BY MR. COYNE:  
 8 Q. So P-58 appears to be a separate document.  
 9 It actually says, "Detainee complaint notification."  
 10 So just directing your attention to the first  
 11 two pages of Exhibit 3, Mr. Bolton, is it fair to say  
 12 that that's a document that you wrote yourself?  
 13 A. Yes.  
 14 Q. Where were you when you wrote that, if you  
 15 remember?  
 16 A. I believe I was at home.  
 17 Q. It indicates the date of incident as  
 18 January 17, 2014. To the best of your recollection,  
 19 is that the date in fact when the incident occurred at  
 20 the Cook County Jail?  
 21 A. Yes, sir.  
 22 Q. Does your signature appear on the second page  
 23 that is P-57?  
 24 A. Yes, sir.

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1 Q. It indicates a date of March 16, 2015.  
 2 To the best of your recollection, is that the  
 3 date you both created and signed this document?  
 4 A. Yes.  
 5 Q. Who else was present when you wrote this up?  
 6 A. When I wrote the Page 1.  
 7 Q. Right. When you wrote it and signed it?  
 8 A. It was some sheriff deputies.  
 9 Q. Do you remember how many were present?  
 10 A. There was two.  
 11 Q. Do you remember their names?  
 12 A. No.  
 13 Q. Was this at your home?  
 14 A. Yes.  
 15 Q. Had they traveled to your home with your  
 16 approval and your allowing them to enter your home?  
 17 A. Yes.  
 18 Q. And to the best of your knowledge, were they  
 19 at your home in response to the grievance you filed  
 20 against Officer Ortiz?  
 21 A. Yes.  
 22 Q. Were there any documents that you created and  
 23 signed prior to this document regarding the incident?  
 24 A. Was there any document? The only thing that

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1 I signed was this paper right here (indicating).  
 2 Q. To the best of your knowledge, was there  
 3 anything else that you signed other than this document  
 4 pertaining to your complaint against Officer Ortiz?  
 5 A. Not that I know of, sir.  
 6 Q. Is that fair?  
 7 Was this at the home address that you gave  
 8 earlier that this was created?  
 9 A. Yes, sir, 1858 South Avers.  
 10 Q. Okay.  
 11 The location of incident is listed as  
 12 Division VIII, 2-A.  
 13 Is that your -- do you believe that's an  
 14 accurate description of where with the incident  
 15 occurred?  
 16 A. Yes, sir.  
 17 Q. What does "2-A" refer to, to the best of your  
 18 knowledge?  
 19 A. I have no clue.  
 20 Q. Did you write that in or was it written in  
 21 for you?  
 22 A. Did I write what in?  
 23 Q. Division VIII, 2-A, under "Location of  
 24 incident."

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1 I am just asking you, did you write that or  
 2 did somebody write that for you?  
 3 A. I believe I wrote that.  
 4 Q. How did you know it was 2-A where the  
 5 incident occurred?  
 6 A. Because I had a copy of my grievance.  
 7 Q. The time of the incident said 3 to 11.  
 8 Is that the shift during which the incident  
 9 occurred?  
 10 A. Yes, sir.  
 11 Q. Did you write that in?  
 12 A. Yes.  
 13 Q. As far as Page 1, is there any writing on  
 14 this document that was the result of anyone else but  
 15 you?  
 16 A. Excuse me.  
 17 Q. Did anyone else other than you write anything  
 18 on Page 1 of this complaint?  
 19 A. I did, just me.  
 20 Q. Same question as to Page 2, other than the  
 21 notary public.  
 22 A. Just me.  
 23 Q. Were you instructed to write any of the text  
 24 on Page 1 or 2, or was it an entirely a result of your

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1 own decision?  
 2 A. Run that by me one more time.  
 3 Q. Did anyone tell you to write this or did you  
 4 write it because you believe it's a true and accurate  
 5 description of what occurred?  
 6 A. I believe the sheriffs told me to write this  
 7 down.  
 8 Q. When you say told you to write, are you  
 9 saying that they told you to write what happened or  
 10 they told you to write these particular words?  
 11 A. In order to go through with the proceedings.  
 12 If I wanted to pursue everything, I believe they told  
 13 me to write this down.  
 14 Q. The text that appears under the narrative  
 15 section on Page 1, do you believe that that's a true,  
 16 accurate and complete description of what occurred at  
 17 the time of the incident with Officer Ortiz?  
 18 A. Yes.  
 19 Q. In the middle that paragraph, it says Officer  
 20 Ortiz asked to you get on the ground.  
 21 At what point did he ask you to get on the  
 22 ground?  
 23 A. As he was reaching, "Get on the ground," and  
 24 he was reaching. So he did that as he was trying to

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1 touch me.  
 2 Q. Now, the last sentence it says, "I told  
 3 sergeant when he approached me, but he just wrote it  
 4 up as I fell on the ground on my own."  
 5 Are you referring to what Officer Ortiz wrote  
 6 up or what the sergeant wrote up?  
 7 A. What the sergeant wrote up.  
 8 Q. How did you come to know that that's what the  
 9 sergeant wrote up?  
 10 A. Because I believe when I got a copy of the  
 11 grievance or some paperwork, that I seen the  
 12 sergeant's response, and he said that I had fell on  
 13 the ground on my own.  
 14 Q. At the time you signed this document on  
 15 March 16, 2015, did you believe it was a true,  
 16 accurate, and complete description of what occurred at  
 17 the time of the incident?  
 18 A. Yes, sir.  
 19 Q. Do you continue to hold that opinion?  
 20 A. Yes, sir.  
 21 Q. After the incident, did there come a time  
 22 when you went to the medical dispensary?  
 23 A. Yes.  
 24 Q. And did you request medical attention as a

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1 result of the incident?  
 2 A. Yes.  
 3 Q. Other than the physical problems that you  
 4 have described earlier, were there any other injuries  
 5 that you believe that you sustained that caused you to  
 6 request physical attention or medical attention?  
 7 A. No.  
 8 Q. How long were you in -- well, let me ask you,  
 9 where did you go to receive the medical attention?  
 10 A. Cermak.  
 11 Q. And how long after the incident were you  
 12 transported there?  
 13 A. How long after.  
 14 Q. Yeah. I mean, how long did it take for them  
 15 to get you over there?  
 16 A. Maybe three hours, maybe three hours.  
 17 Q. Where were you detained or where were you in  
 18 between the time of the incident and the time you were  
 19 transported to Cermak?  
 20 A. I was sitting in -- are you saying where was  
 21 I before I went there?  
 22 Q. Yes.  
 23 A. Sitting inside of a bullpen.  
 24 Q. When you were sitting inside the bullpen when

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1 you were sitting there, were you handcuffed?  
 2 A. No.  
 3 Q. How long did you have the cuffs on after the  
 4 incident before they were removed?  
 5 A. I believe -- once they placed me in the  
 6 bullpen, I believe they took them off, but I don't  
 7 know if they took them off or if I kept them off.  
 8 Q. Who was in your presence while you were in  
 9 the bullpen, if you remember?  
 10 A. I don't know. The shift changed. I don't  
 11 remember what officer really moved me over there, put  
 12 me over there.  
 13 Q. Did you have any other conversation after the  
 14 incident -- strike that.  
 15 Did you have any conversation after the  
 16 incident with Officer Ortiz at all?  
 17 A. No.  
 18 Q. Did you have any conversation after the  
 19 incident with Officer Ramos?  
 20 A. No.  
 21 Q. How about Officer Ivory?  
 22 A. No.  
 23 Q. You did talk to the white shirt about what  
 24 happened?

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1 A. Yes.  
 2 Q. Was there anyone else you talked to after the  
 3 incident other than the white shirt before you were  
 4 transported to Cermak?  
 5 A. No.  
 6 Q. Did you ever threaten Officer Ortiz?  
 7 A. No.  
 8 Q. As far as you know, did you have any visible  
 9 injury after the incident, if you know? In other  
 10 words, an injury that somebody could see?  
 11 A. Yes.  
 12 Q. Was that basically what you described  
 13 earlier, the swollen face?  
 14 A. My face was swollen, I didn't...  
 15 Q. It looks as if the medical -- or strike that.  
 16 It looks as if the hospital evaluation  
 17 occurred on or about January 18, 2014, at  
 18 approximately 2:14 a.m.  
 19 Does that sound accurate, if you know?  
 20 A. I believe so, yes.  
 21 Q. Do you know whether you were ever transferred  
 22 to special housing segregation after the incident  
 23 before you were discharged from Cook County Jail?  
 24 A. No, I was never transferred to segregation,

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1 never transferred to seg.  
 2 Q. You never were you said?  
 3 A. Never were.  
 4 Q. Prior to your discharge from county jail, at  
 5 any point did you threaten Officer Ortiz?  
 6 A. No.  
 7 Q. Were you ever evaluated, to the best of your  
 8 recollection, by the chief psychiatrist at Cermak?  
 9 A. Chief psychiatrist. Which is?  
 10 Q. Just at Cermak.  
 11 A. There's probably been a time that I have been  
 12 right there before. I don't know if during that time  
 13 that I was incarcerated, if I was there then or not.  
 14 I don't remember, but yes, I have been there before.  
 15 Q. Separate and apart from the physical injuries  
 16 that you sustained from the incident, were there any  
 17 other types of injuries that you sustained?  
 18 A. Any type of injuries?  
 19 Q. Any other types of injuries. For example,  
 20 emotionally, psychological.  
 21 A. I was stressed out because I felt like how  
 22 can I get beat up by a correctional officer when they  
 23 supposed to be here to help us. It's stuff that I  
 24 thought about.

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1 When my hands were handcuffed behind my back,  
 2 I felt like he could have did anything to me. My  
 3 hands cuffed behind my back. So there is times where  
 4 I thought about mostly, like, why would this even  
 5 happen.  
 6 Or if I was in the midst of trying to do  
 7 anything to him, you know what they would have did to  
 8 me? I would have been broken up, like totally broke  
 9 up, somewhat, because they all would have did  
 10 something to me. So yeah, I thought about it  
 11 emotionally, yes, it hurt. Then I locked down, locked  
 12 up. It's very stressful.  
 13 On top of that, me just thinking about what  
 14 happened to me, I have no one to talk to, like my mom  
 15 is deceased and my dad is deceased, yeah, it was  
 16 emotionally, yes, stressful. It's just a stressful  
 17 situation.  
 18 Q. The stress that you just described and the  
 19 emotional distress that you described, did there come  
 20 a time when that resolved, went away?  
 21 A. It's like it will always be something that I  
 22 think about. It's like if you have, like, a friend,  
 23 when you forgive them for something but you never  
 24 forget what they did, it's always going to be in the

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1 back of my mind that I never forgot what happened to  
 2 me. But I can let it go past, but it's still going to  
 3 always be there that this is what happened to me.  
 4 Q. The feelings of stress that you described,  
 5 and I'm obviously talking about after the incident,  
 6 did they persist after you were discharged to Cook  
 7 County Jail.  
 8 A. It's been a couple times that I thought  
 9 about, man, yeah, this guy did this to me. I mean,  
 10 yes, I thought about it. But, you know, when you're  
 11 outside and you're living, life is going on, it's just  
 12 going to be something that come across you that you  
 13 just won't think about. You know, your life still  
 14 goes on.  
 15 Q. Well, you were discharged from Cook County  
 16 Jail on or about February 3, 2014; is that fair?  
 17 A. Yes.  
 18 Q. After your discharge, how frequently would  
 19 you be troubled by these thoughts? Daily? Weekly?  
 20 Monthly?  
 21 A. Maybe once a month. Maybe when I am just  
 22 feeling or thinking about, like, my mom and my dad, or  
 23 something that just comes to pass, come through as a  
 24 thought.

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1 Q. Are you still plagued by these thoughts?

2 A. It still happened to me. I mean, I am never  
3 going to forget it. Like I just said, it happened.

4 Now, the only thing I can think about is what  
5 if I tried to defend myself or anything like that.  
6 Stuff like that come to me, and I think about that  
7 type of stuff, too, what would have happened to me if  
8 I would have tried to defend myself or tried to help  
9 myself from getting touched or anything like that.

10 So yeah, I mean, it's always going to be  
11 something I think about. Now that I got a son, when  
12 he gets a little bit older, I am going to let him  
13 know, I'm going to try to tell him.

14 You know, so it's always going to be there in  
15 my head. You know, it's going to be there. But it's  
16 just maybe something that I know that happened to me,  
17 so it's going to be there.

18 Q. We have discussed the physical injuries that  
19 you sustained and now you've described the emotional  
20 and, as you put it, the stress that you experienced as  
21 a result of the incident.

22 In order to fully understand what happened to  
23 you as a result of this incident, is there anything  
24 else you think you need to testify to? Anything else

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1 you'd want to add in addition to what you've testified  
2 to thus far as far as the injuries you sustained in  
3 this incident?

4 A. Anything else that I want to add?

5 Q. What I'm saying is in order to appreciate --  
6 you testified to your physical injuries, you testified  
7 to the stress.

8 My question is, in order to fully appreciate  
9 the injuries and bad things that you experienced as a  
10 result of this incident, is there anything else that  
11 you would need to add to make that description  
12 complete?

13 A. I just wish that stuff that happened to me  
14 wouldn't happen to the people just at all, like,  
15 because you never know what anybody is going through.  
16 You never know what one person's life is like as far  
17 as just being inside this little thing. That's how  
18 they are. I never want anybody to go through what I  
19 went through.

20 It's been going on a lot. It goes on a lot  
21 of times and all the time, you know.

22 I am surprised that something even happened,  
23 you know, as far as someone to see or appreciate what  
24 happened to me. Because this common, you know, this

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1 is something that go on all the time. So I'm just --  
2 I am really appreciated that something is actually  
3 happened behind it, you know.

4 But I just wish it wouldn't happen to nobody  
5 because you never know how the next person will be  
6 able to take it. You know, you never know. You know  
7 what I'm saying?

8 It's just people get beat up and just go on  
9 with it. Ain't nothing going to happen to them or  
10 nothing like that, it's just you in jail, you are  
11 going to beat up. This is what we do to you. That's  
12 all.

13 Surprised my grievance even got turned in,  
14 because there is a lot of times when you write  
15 grievances, they rip up the grievances, people don't  
16 even see them. You got to give it to the right hands  
17 in order for it to go through the proper chains of  
18 command. So I am just blessed that my stuff actually  
19 went through, that stuff actually came to light.

20 Q. Had you filed a grievance at any time prior  
21 to this one?

22 MR. FIELD: What do you mean by "this one"?

23 THE WITNESS: You mean before?

24 BY MR. COYNE:

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1 Q. You've identified Exhibit 3, you have  
2 identified the complaint that you filed.

3 When you say "a grievance," is that what you  
4 mean? Are you referring to the complaint you filed  
5 against Officer Ortiz?

6 A. Yes.

7 Q. Have you ever filed a complaint against any  
8 other officer prior to January -- prior to this  
9 incident?

10 A. I don't remember.

11 Q. Have you filed a complaint against anybody  
12 other than this one?

13 A. If something went on that I didn't like, I am  
14 pretty sure I probably filed a grievance.

15 Q. Do you have any specific recollection of a  
16 grievance where you actually signed a document to  
17 support a complaint that you were making?

18 A. No.

19 Q. Other than this one?

20 A. No, I don't remember.

21 Q. Do you believe that anyone employed by  
22 Cook County Sheriff's Department took any steps to  
23 prevent you from filing your lawsuit in this case at  
24 any time?

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1 A. Do I believe? No.

2 Q. I understand you had a civil case that was  
3 filed where you sued a company or a person named  
4 Heatherington; is that true?

5 A. Which one? My father? Is that what you are  
6 recalling -- what you are saying?

7 Q. In discovery, there was identification of a  
8 civil lawsuit that was filed by you or at your -- on  
9 your behalf.

10 A. My father had passed away, fell down some  
11 stairs -- if that's what you're saying. I am trying  
12 to help see -- that's the only thing that I know of.

13 It would have been my dad who filed it also,  
14 but he was brain dead at the time and he passed away  
15 at Kindred Hospital.

16 Q. At Kindred?

17 A. Yes, Montrose and Rockwell.

18 Q. Do you know was that a wrongful death suit?

19 A. Yes.

20 Q. Were you appointed the special  
21 representative?

22 A. Yes, I am my daddy's only child. So he was  
23 brain dead, he couldn't talk and couldn't do nothing,  
24 so it was left to me.

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1 A. I haven't been employed in maybe a few years  
2 because I had my grandmother -- my grandmother and my  
3 uncle, like familywise, they have, like, a barbershop.  
4 So I actually help around the barber shop. If I need  
5 something like that, my grandmother is able to help  
6 provide me.

7 My grandmother is getting old. And so I  
8 basically try to stick around her house, and she has a  
9 few houses, try to help her -- my grandmother.

10 Q. So you help your grandmother around the  
11 house?

12 A. She got a couple -- well, she owns a couple  
13 apartments and I help her around all the apartments.  
14 I mow the grass.

15 Q. I'm sorry, I didn't hear you.

16 A. Mow grass, shovel snow, clean up the barber  
17 shop. When people getting through cutting their hair,  
18 I help them. If they fixing up the barber shop, I do  
19 stuff like that.

20 I have tried to go to do labor work. I was  
21 at a company called Accurate, but it's been a couple  
22 times where background showed up where they didn't let  
23 me work no more.

24 Q. You have two felony convictions?

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1 Q. Did you testify at a deposition at any point  
2 in that case?

3 A. No.

4 Q. Do you know if there were any depositions  
5 that took place as a result of that lawsuit being  
6 filed?

7 A. If it was, I believe it was with my sister.

8 Q. Your sister was not the biological daughter  
9 of your father?

10 A. No.

11 Q. Did you sign any documents in the course of  
12 the investigation of that lawsuit that you know of?

13 A. I don't remember.

14 Q. Do you know who the attorney was that  
15 represented your father's estate?

16 A. Yes.

17 Q. Who was that?

18 A. Frank Santilli.

19 Q. Frank Santilli?

20 A. Yes.

21 Q. Prior to your becoming in custody at Cook  
22 County Jail this time, were you employed?

23 A. Was I employed? No.

24 Q. When is the last time you were employed?

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1 A. Yes.

2 Q. One is for domestic battery?

3 A. Yes.

4 Q. What's the other one for?

5 A. A drug case, 2005.

6 Q. Is that cannabis?

7 A. No.

8 Q. What was the drug involved?

9 A. Ecstasy pill.

10 Q. Was that possession or possession with intent  
11 or delivery?

12 A. It was a possession with intent.

13 Q. Were there any co-defendants in that case, if  
14 you recall?

15 A. No.

16 Q. That was in Cook County, right?

17 A. Yes.

18 Q. Have you ever served a period of time of  
19 incarceration in the Illinois Department of  
20 Corrections?

21 A. Yes. I have been in boot camp, and I had --  
22 yes, and I had a year.

23 Q. When you say you had a year, was that at  
24 Stateville? Do you know where you served?

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1 A. I had majority of my time in -- I stayed in  
2 Stateville for like a month.  
3 Q. In all how many felony convictions do you  
4 have altogether?  
5 A. Three.  
6 Q. Have you ever violated your probation?  
7 A. I had probation once before and they  
8 terminated me unsatisfactory, that's why I got boot  
9 camp.  
10 Q. Did you testify at any probation violation  
11 hearings?  
12 A. No.  
13 Q. Have you ever been found to be a parole  
14 violator?  
15 A. Yes.  
16 Q. Did you testify at any parole violation  
17 hearings approximately?  
18 A. No.  
19 Q. Other than your testimony here today, have  
20 you ever testified under oath before today for any  
21 reason at all?  
22 A. Yes.  
23 Q. When was that?  
24 A. When I had got my drug case, I testified

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1 under oath.  
2 Q. Was that a bench trial or a jury trial?  
3 A. It was a bench trial.  
4 Q. There was a finding of guilty or not guilty?  
5 A. Guilty.  
6 Q. Besides that testimony -- let me back up.  
7 What year was that that you gave that  
8 testimony?  
9 A. 2005.  
10 Q. Was that at 26th and California?  
11 A. Yes.  
12 Q. Any other testimony that you've provided  
13 under oath other than today and then?  
14 A. No.  
15 Q. Have you ever testified at a deposition  
16 before for any reason?  
17 A. No.  
18 Q. Were you aware of, as of January 18, 2014,  
19 that there was a timeline that governed your ability  
20 to file a lawsuit in Cook County?  
21 A. No, sir.  
22 Q. I don't want to know anything that was said  
23 by you to your attorneys or your attorneys to you, but  
24 when was the first time that you contacted an attorney

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1 regarding this incident?

2 A. The first time was actually when the IA, the  
3 sheriffs, they came to my house maybe the end of 2015  
4 and they told me that they had a video and they wanted  
5 to ask me if I wanted to go through with everything  
6 still.  
7 And I told them yes, I want to go through  
8 with everything still.  
9 Just like the officers that came to my house  
10 the previous time, which was what? That was March 16,  
11 2015. I told them I wanted to go through with  
12 everything. Just as well. The other officer, they  
13 asked when they came to my house, did I want to go  
14 through with everything.  
15 They told me that they wanted me to come to  
16 the County and give them my side of the story or  
17 whatever the case may be. And that's when I -- I  
18 didn't want to go to the County by myself, so I  
19 contacted an attorney then.  
20 Q. I'd like you to appreciate that I don't want  
21 to know anything you said to the attorney. I don't  
22 want to know anything the attorney said to you.  
23 A. Okay.  
24 Q. But to the best of your knowledge, first of

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1 all, it was a civil attorney, correct, not a criminal  
2 attorney?  
3 A. Yes, sir.  
4 Q. What was the date of that first contact with  
5 the attorney?  
6 A. I believe it was in January -- I am not for  
7 sure, though, 2016, that they wanted me to come and  
8 tell them something about my side of the story.  
9 Q. When you say "they," are you referring to  
10 employees with Cook County Sheriff's Department?  
11 A. Yes, sir.  
12 Q. As of January 17, 2014, you understood  
13 there's a difference between a criminal case and a  
14 civil case, correct?  
15 A. Do I understand?  
16 Q. As of January 17, 2014, at that time, you  
17 understood there's a difference between a civil case  
18 and a criminal case, correct?  
19 A. I am pretty sure the difference is two  
20 different things, one's civil and one's criminal, yes.  
21 Q. At that time, you had already filed, or there  
22 had been a lawsuit filed on your behalf, the wrongful  
23 death case resulting from your father's problem?  
24 A. Yes.

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1 Q. Is it fair to say that you understood that  
2 the Cook County Sheriff's Department employees were  
3 not contacting you regarding any civil suit that you  
4 might have; is that fair?  
5 A. No, I didn't know exactly what was going on.  
6 I just knew that when they told me that they  
7 basically -- when they came to my house, by them  
8 asking me if I wanted to go through with everything, I  
9 thought it was like a whole process all together,  
10 like, that they had -- that they had going on as far  
11 as the civil lawsuit.  
12 Q. Is that belief, is that something that  
13 resulted from something they told you or is it just  
14 something you believed?  
15 A. They told me that I didn't have to worry  
16 about nothing, that they was going to take care of  
17 everything. So I had beliefs that maybe something  
18 civil was coming out just dealing with the sheriffs.  
19 Q. Well, you understood they weren't -- first of  
20 all, did you believe they were attorneys --  
21 A. No.  
22 Q. Diaz and Montanez?  
23 A. I know they was not attorneys, but I thought  
24 they were going to help me get attorneys or help me as

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1 far as in the process when they first came to my  
2 house. By them telling me don't worry about anything,  
3 I don't have to say nothing or nothing, they were  
4 going to get in contact with me, stuff like that, and  
5 I thought they were going to help me do that.  
6 Q. When you say "they," are you referring to  
7 officers Diaz and Montanez?  
8 A. Diaz, Montanez, and the other two officers  
9 that asked me did I want to go through -- they came to  
10 my house at first, too.  
11 By them telling me, "Don't worry about  
12 nothing," I don't have to worry about nothing, they  
13 are going to take care of everything, I thought that  
14 was like a process as far as with civil, that they  
15 were going to help me with.  
16 Q. Well, the first contact you had at your home  
17 with employees or representatives of the Cook County  
18 Sheriff's Department, that would have been March 16th,  
19 2015, true?  
20 A. Yes.  
21 Q. Was that the first time that you had contact  
22 outside the jail with employees of the sheriff's  
23 department?  
24 A. Yes.

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1 Q. And the two people that saw you on that date,  
2 who were they?  
3 A. I don't know.  
4 Q. Did you understand that they were  
5 investigators or corrections officers?  
6 A. They told me that they were investigators,  
7 IA, that was looking into my stuff. They asked me if  
8 I wanted to go through with the -- with my complaint.  
9 And I told them yes.  
10 Q. When you said your complaint, that was the  
11 complaint that you filled out, correct?  
12 A. The grievance -- the grievance. Everything  
13 that I said about what had happened to me.  
14 Q. That was the document that you saw here  
15 today, correct? Exhibit 3?  
16 A. No, it was -- I had another grievance that I  
17 wrote from the jail. There was another -- there was  
18 something else that I wrote, a summary that you showed  
19 me today.  
20 Q. Let me make sure I understand. So you are  
21 saying you had filled out two separate grievances?  
22 A. Yes, I had a grievance that I filled out from  
23 when I got -- when I was incarcerated already that I  
24 filled out, that was the first grievance that I wrote.

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1 Q. Was that grievance -- was there anything in  
2 that grievance that was not contained in the grievance  
3 that you saw here today?  
4 A. No. Maybe that's probably was a better  
5 grievance because it was the one I wrote the day after  
6 the incident, like the time -- the other paperwork was  
7 what I had -- what date? March 15, '13, that was what  
8 I wrote then.  
9 Q. Well, the March 16, 20 -- strike that. Let  
10 me back up a little bit.  
11 As of any time between January 17 and the  
12 time you were discharged on February 3, 2014, did  
13 anyone tell you, anyone, that they were acting on your  
14 behalf as far as filing a complaint against Ortiz?  
15 A. No.  
16 Q. Any time between February 3, 2015, and  
17 March 16, 2015, did anybody tell you they were acting  
18 on your behalf in terms of filing a complaint against  
19 Ortiz?  
20 A. You say as of February 3 until when?  
21 Q. So from the time you were discharged from  
22 Cook County Jail on February 3rd, 2014, and March 16,  
23 2015 when you met with the two employees --  
24 A. Yes.

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1 Q. -- of the sheriff's department in your home,  
2 in that time period, did anybody tell you they were  
3 acting on your behalf to file a complaint against  
4 Ortiz?  
5 A. Just the IA people that actually talked to me  
6 on that day.  
7 Q. Do you recall how those two individuals were  
8 addressed?  
9 A. They had on sheriff uniforms with a  
10 bullet-proof vest that had "Sheriff's" on the back.  
11 Q. Was there two men or a man and woman?  
12 A. I don't remember.  
13 I know it was one man that -- the first time  
14 they came, I don't know if it was two males the first  
15 time. I don't know about the first time.  
16 Q. The first time, just so we are on the same  
17 page, you are talking about March 16, 2015.  
18 A. Yes, sir.  
19 Q. Was your grandmother present during that  
20 meeting?  
21 A. Yes.  
22 Q. Was your grandmother writing anything down  
23 during that meeting?  
24 A. No.

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1 Q. Was she recording anything during that  
2 meeting?  
3 A. No.  
4 Q. Were you recording anything during that  
5 meeting?  
6 A. No.  
7 Q. Were you writing anything down?  
8 A. No.  
9 Q. Was there anyone else present besides you,  
10 your grandmother and the two officers?  
11 A. No.  
12 Q. Did they leave behind business cards when  
13 they visited, do you recall?  
14 A. No, they just told me that they will get in  
15 contact with me, that they'll keep in touch with me  
16 and they will be in contact with me.  
17 Q. Did they leave with the grievance that you  
18 had filled out and signed?  
19 A. They asked me did I have a grievance, and I  
20 believe I had provided it for them.  
21 Q. One of them you filled out that day, correct,  
22 March 16th?  
23 A. That was the one I filled out that day. It  
24 probably was with Montanez and the other, Diaz, when I

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1 actually found the copy of my grievance.  
2 Q. So the officers that visited you on  
3 March 16th, 2015, if I understand your testimony  
4 correctly, you don't recall their names, true?  
5 A. Yes.  
6 Q. Now, Montanez, Diaz visited you on a separate  
7 day, correct?  
8 A. Yes.  
9 Q. Was that at your house as well?  
10 A. Yes.  
11 Q. What was the date of that visit if you  
12 recall?  
13 A. I don't remember the date.  
14 Q. Was it in 2015?  
15 A. I don't know if it was 2015 or if it was --  
16 yes, I believe it was the end of September -- was it?  
17 I don't know exactly. I don't know exactly.  
18 Q. At any time, did there -- in the conversation  
19 with the officers that visited you on March 16, 2015,  
20 did the subject of the civil lawsuit as a result of  
21 the incident ever come up?  
22 A. No. They just told me I didn't have to worry  
23 about nothing, that they was going to take care of  
24 everything. So I believed that they were going to

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1 help me as far as with the civil lawsuit.  
2 Q. When they said they were going to help you  
3 with everything, was that a word that they used, they  
4 were going to help you with everything?  
5 A. They told me that I didn't have to worry  
6 about nothing, that they were going to get in contact  
7 with me. I didn't have to do nothing.  
8 Q. Did you ask them what that word "everything"  
9 meant?  
10 A. No, I never asked them what "everything"  
11 meant.  
12 They just told me that they was investigating  
13 what was going on and that was it.  
14 Q. When did you first, you individually, first  
15 decide that you wanted to file a civil lawsuit as a  
16 result of the incident?  
17 A. When they asked me to come to the county to  
18 give them my side of the story.  
19 Q. When was that?  
20 A. I believe that was January 2016, I believe.  
21 Q. When you said they asked you to come to the  
22 county, who was it that asked you to come to the  
23 county?  
24 A. Diaz and Montanez, they called me and asked

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1 me to come up there and give them my side of the  
2 story.  
3 Q. Had you met with Díaz and Montanez at your  
4 home at any time prior to that date?  
5 A. Yes, they came to my home prior to that.  
6 Q. How long were they at your house the first  
7 time they came to your home?  
8 A. Maybe 15 minutes to 20 minutes.  
9 Q. As to that meeting, was your grandmother  
10 present?  
11 A. Yes.  
12 Q. Did she take any notes?  
13 A. No.  
14 Q. Did she record anything?  
15 A. No.  
16 Q. Did you take any notes?  
17 A. No.  
18 Q. Did you record anything?  
19 A. No.  
20 Q. Was anyone else present besides you, the two  
21 officers and your grandmother?  
22 A. No.  
23 Q. Where in your home did that take place, the  
24 living room, dining room, kitchen, basement?

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1 A. Maybe the living room.  
2 Q. So January 2016, if I understood your  
3 testimony correctly, was the first time that you had  
4 decided that you might want to pursue a civil lawsuit  
5 as a result of the incident; is that fair?  
6 A. Yes, when they asked me to come to the county  
7 to give my side of the story.  
8 Q. Did their request to you to come to the  
9 county, did that have any bearing on your decision to  
10 file a civil lawsuit?  
11 A. I didn't want to go in there -- I didn't want  
12 to go by myself to give them any type of testimony  
13 about what happened to me alone by myself. I  
14 didn't -- I didn't want to do that.  
15 Then I thought that they was going to provide  
16 me with some civil help by then knowing exactly what  
17 happened to me, so I told myself that I am going to  
18 get an attorney so I want won't be in there, you know,  
19 handicap. I didn't want to be there by myself alone.  
20 That's when I got my attorney.  
21 Q. Did you, in fact, go with your attorney to  
22 the Cook County Jail?  
23 A. Yes.  
24 Q. What attorney was that?

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1 A. Vince.  
2 Q. Was that in January of '16?  
3 A. Yes.  
4 Q. Do you recall the date in January of 2016?  
5 A. I don't know exactly what date.  
6 Q. You had -- previously as a result of your  
7 father's death, you contacted an attorney to file a  
8 lawsuit, correct?  
9 A. Excuse me.  
10 Q. As a result of your father's death?  
11 A. As a result of my father's death?  
12 Q. Maybe I misunderstood you.  
13 I understood that as a result of your father  
14 falling down the stairs, there was a lawsuit that was  
15 filed.  
16 A. Yes.  
17 Q. Was that lawsuit instigated by you?  
18 A. No, it was my daddy -- that was my first time  
19 -- I am surprised it even happened like that.  
20 I haven't seen my daddy in maybe three or  
21 four years. The incident happened at my sister's  
22 house and she was, at the time, on Section 8, but the  
23 way just the houses were, but that was instigated --  
24 or the thought about the lawsuit happened by my

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1 daddy's side of the family.  
2 Because we didn't want them to think it was  
3 anything was up on us as something that we did to my  
4 father, so they were all talking about filing the  
5 lawsuit.  
6 I was just my daddy's only child; I was my  
7 daddy's beneficiary, so it was left upon me to make a  
8 decision.  
9 Q. When you say "make a decision," you agreed to  
10 be the personal representative and you agreed for a  
11 lawsuit to be filed?  
12 A. I didn't have no choice. Everyone -- you  
13 know, it's a family thing. We all sat back and  
14 talked. Basically, I didn't have no choice.  
15 Q. When you say you didn't have a choice, tell  
16 me what you mean.  
17 A. Didn't have no choice. I mean, they all  
18 wanted to file a lawsuit, but they made me be part of  
19 it because of where I was left at as far as my  
20 father's life.  
21 Q. After you are discharged from Cook County  
22 Jail on February 3rd, 2014, we've talked about the  
23 visit on March 16, 2015, and then we have also talked  
24 about the visit by Díaz and Montanez to your home?

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1 Between February 3, 2014, and the date where  
 2 you visited at your home with Montanez and Diaz, did  
 3 you have any other contact with any employees or  
 4 representatives of the Cook County Sheriff's  
 5 Department?  
 6 A. No.  
 7 Q. January '16 -- or January 2016, you were  
 8 accompanied by your counsel when you went to the Cook  
 9 County Jail?  
 10 A. Yes.  
 11 Q. That was for the purpose of meeting with  
 12 representatives of the jail?  
 13 A. Yes.  
 14 Q. During that meeting you had counsel present,  
 15 correct?  
 16 A. Yes.  
 17 Q. What was the outcome of that meeting, what  
 18 took place?  
 19 A. The outcome was they were supposed to let me  
 20 give them my side of the story.  
 21 I believe it was state's attorney got there.  
 22 His name was Andrew Nastoff. He was supposed to bring  
 23 charges against Miguel Ortiz by me giving my  
 24 information.

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1 Q. When you say "bring charges," were you  
 2 talking about civil charges or are you talking about  
 3 criminal charges?  
 4 A. Criminal charges against Miguel Ortiz for  
 5 what he had did to me.  
 6 Q. To the best of your knowledge, were criminal  
 7 charges ever brought against Miguel Ortiz for what he  
 8 did to you?  
 9 A. Not by that particular -- not by Andrew  
 10 Nastoff, no.  
 11 Q. To the best of your knowledge, were criminal  
 12 charges ever filed against Ortiz as a result of the  
 13 incident?  
 14 A. Yes.  
 15 Q. What's the nature -- what's the current  
 16 status of those charges, if you know?  
 17 A. I do not know.  
 18 Q. Did you ever testify in any proceeding  
 19 regarding those civil criminal charges?  
 20 A. Yes.  
 21 Q. Where did you testify at?  
 22 A. At Cook County.  
 23 Q. Was that a preliminary hearing?  
 24 A. It was like a preliminary hearing, but it was

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1 a grand jury that I testified in front of.  
 2 Q. Was the grand jury -- did that grand jury --  
 3 was that at 26th and Cal?  
 4 A. Yes.  
 5 MR. COYNE: Off the record.  
 6 (Whereupon, a discussion was had  
 7 off the record.)  
 8 (Whereupon, the record was  
 9 read as requested.)  
 10 BY MR. COYNE:  
 11 Q. When you went to Cook County Jail in January  
 12 of 2016, did you view a lineup?  
 13 A. Not in January. I believe it was in April.  
 14 Q. So in January of 2016, as a result of the  
 15 meeting that you had at the Cook County Jail, did you  
 16 have any belief that anyone who was employed by  
 17 Cook County was going to represent you in a civil  
 18 lawsuit?  
 19 A. No, not at that time, no.  
 20 Q. Did there ever come a time when you believed  
 21 that anyone who was employed by Cook County was going  
 22 to represent you for the purpose of filing a civil  
 23 lawsuit as a result of the incident?  
 24 A. Yes, in the beginning. When the first couple

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1 of officers came to my house in March 16, 2015, I  
 2 thought that they was going to help me as far as doing  
 3 the civil lawsuit.  
 4 Q. You understood that those two officers were  
 5 not attorneys, correct?  
 6 A. Yes. After a certain period of time, I found  
 7 it out.  
 8 Q. Did you ever specifically ask them: "Are you  
 9 people" -- or "will you people" --  
 10 A. No, I never did that.  
 11 Q. Let me just get the question out.  
 12 Did you ever specifically ask them, "Are you  
 13 or will you retain a civil attorney for me to file a  
 14 civil lawsuit against Ortiz?"  
 15 A. No.  
 16 Q. Did you ever ask anyone who was employed at  
 17 Cook County at the time to do that for you?  
 18 A. No.  
 19 Q. When you identified Ortiz, that was at a  
 20 lineup in April of 2016; is that fair?  
 21 A. Yes.  
 22 Q. Was that the first time you had seen him  
 23 since the incident?  
 24 A. Yes.

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1 Q. How many individuals were present in that  
2 lineup, do you recall?  
3 A. Six.  
4 Q. Were you able to immediately identify him?  
5 A. Yes.  
6 Q. To the best of your knowledge, is there  
7 anything that prevented you from filing a civil  
8 lawsuit against Ortiz at sometime before January 17th  
9 of 2016?  
10 A. Like I said, like I thought that the county  
11 sheriffs, like the IA was going to help me get into  
12 the civil.  
13 It wasn't until after I contacted my attorney  
14 to go to the County that I found out that I was going  
15 to have to do this stuff on my own.  
16 Q. That was in January of 2016?  
17 A. Correct.  
18 Q. You said you thought that they were going to  
19 do something to help you.  
20 Did you ever ask them --  
21 A. No.  
22 Q. -- to do something to help you?  
23 A. No, I never asked them. I thought it was  
24 their job or like a procedure, that after they got

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1 through investigating, after the investigation, that  
2 they was going to help me to get an attorney to file a  
3 civil lawsuit.  
4 Q. What information did you have or what  
5 experience did you have that led you to believe that?  
6 A. I just -- it was just hearsay with other  
7 people -- myself, like other regular people, that I  
8 thought that it was going to happen like that. It was  
9 just other people.  
10 Q. When you say "other people," are you saying  
11 that somebody told you that the Cook County would  
12 actually get you a civil attorney to file a civil  
13 lawsuit?  
14 A. Yes, other regular people. Just other people  
15 that's been incarcerated and regular civilians.  
16 Q. So that was basically something you assumed  
17 was going to happen?  
18 A. Exactly.  
19 Q. Did you ever test that assumption in order to  
20 determine if it was accurate --  
21 A. No, I never --  
22 Q. Let me just finish.  
23 -- by asking anyone who was employed by  
24 Cook County?

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1 A. No.  
2 Q. Mr. Bolton, have you ever filed personal  
3 bankruptcy?  
4 A. No.  
5 Q. Have you ever been sued as a defendant in a  
6 civil case?  
7 A. No.  
8 Q. Other than the case filed as a result of your  
9 father's --  
10 A. Death.  
11 Q. -- death and this particular case, have you  
12 ever been a plaintiff in any other lawsuit?  
13 A. No.  
14 MR. COYNE: I am going to pass for you guys  
15 to go over whatever questions you have as I go through  
16 my notes. I thank you for your time and attention.  
17 THE WITNESS: Thank you.  
18 MR. FIELD: You said you only have a couple.  
19 MS. WEST: I only have a couple.  
20 MR. FIELD: Why don't you go through yours  
21 and then I'll do mine.  
22 CROSS-EXAMINATION  
23 BY MS. WEST:  
24 Q. My name is Allyson West. I represent several

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1 other officers, including Ramos and Ivory that you  
2 briefly spoke about.  
3 I wanted to ask you a couple questions about  
4 your interaction with Officer Ivory and Officer Ramos.  
5 A. Okay.  
6 Q. You previously testified on the date of the  
7 incident, that Officer Ramos and Ivory were present  
8 during your physical altercation with Officer Ortiz;  
9 is that correct?  
10 A. Yes, ma'am.  
11 Q. I apologize if this was already asked, but  
12 when you say you received the physical blows, were you  
13 laying on your stomach or were you on your back?  
14 A. I was on my stomach -- I was on my stomach.  
15 Q. At any point when you felt these physical  
16 blows, did you ever see Officer Ivory?  
17 A. I couldn't see him because my face was  
18 towards the ground.  
19 Q. At any point during the physical blows that  
20 you received, did you ever see Officer Ramos?  
21 A. No. I never seen them, I just felt them on  
22 me.  
23 Q. While this physical altercation is taking  
24 place, do you recall hearing any conversation from any

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1 of the three officers involved?  
 2 A. I don't remember. I just was getting hit. I  
 3 don't remember.  
 4 Q. Did you yourself say anything during this  
 5 physical altercation?  
 6 A. Did I say -- no.  
 7 Q. Do you recall who handcuffed you?  
 8 A. I believe it was Ivory and Ramos.  
 9 Q. Now, other than the one conversation that you  
 10 previously testified to that you had with Officer  
 11 Ramos after the incident, have you had any other  
 12 conversations with Officer Ramos?  
 13 A. No.  
 14 Q. Do you recall the name of the officer that  
 15 took you to the holding cell after the incident?  
 16 A. I don't know.  
 17 MS. WEST: That's all I have.  
 18 CROSS-EXAMINATION  
 19 BY MR. FIELD:  
 20 Q. All right. Mr. Bolton, just a couple of  
 21 clarification questions.  
 22 You were asked some questions about any  
 23 conversations you had with members of -- or staff at  
 24 Cook County Jail about the incident after January 17,

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1 2014, do you recall those questions that counsel asked  
 2 you about any conversations you had after January 17,  
 3 2014, while you were still incarcerated?  
 4 A. Did I have any conversation with anyone?  
 5 Q. Any other correction officer or member of the  
 6 jail while you were incarcerated, do you remember  
 7 being asked those questions?  
 8 A. No.  
 9 Q. Well, was there a time that you were -- I  
 10 will ask it a different way. Was there a time when  
 11 you were interviewed on video after the incident about  
 12 the incident itself?  
 13 A. Yes, I believe the sergeant maybe could have  
 14 interviewed me, but I don't know if he actually did it  
 15 on camera or not.  
 16 Q. But you were interviewed?  
 17 A. I believe -- I believe so.  
 18 Q. You were asked some questions about a  
 19 complaint that you signed.  
 20 I just want to be clear, you filled out a  
 21 grievance while you were at the jail; is that correct?  
 22 A. Yes.  
 23 Q. Do you recall what date you filled out that  
 24 grievance?

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1 A. That could have been the next day, January 18  
 2 or the 19th. The following day whenever I got to the  
 3 housing unit and got settled down, I filled the  
 4 grievance about the incident and what happened to me.  
 5 Q. You were asked some questions about the  
 6 document that you filled out in March of 2015, when  
 7 those first two officers came to visit you.  
 8 Do you recall being asked questions about  
 9 that?  
 10 A. Yes, they came to my house.  
 11 Q. You were asked whether the description that  
 12 you wrote out in that grievance was accurate.  
 13 Do you remember that question?  
 14 A. Yes.  
 15 Q. You filled out that document to the best of  
 16 your knowledge at the time; is that correct?  
 17 A. Yes.  
 18 Q. You were asked questions about the lineup  
 19 where you identified Officer Ortiz.  
 20 That was a photographic lineup, correct?  
 21 A. Yes.  
 22 Q. Officer Ortiz was not there in person,  
 23 correct?  
 24 A. No, it was with a picture. It was like a


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1 picture with six different individuals on the  
 2 picture -- piece of paper.  
 3 Q. Do you recall if that photographic lineup  
 4 occurred before or after the meeting with Mr. Nastoff?  
 5 A. It occurred after the meeting with  
 6 Mr. Nastoff.  
 7 Q. You have no legal training; is that correct?  
 8 A. Excuse me?  
 9 Q. You have no legal training?  
 10 A. No.  
 11 Q. You are not an attorney?  
 12 A. No.  
 13 Q. When those first two investigators came to  
 14 see you, did they tell you that there were any other  
 15 steps that you needed to take in order to pursue your  
 16 complaints against Officer Ortiz?  
 17 A. No. They just told me that I didn't have to  
 18 do anything and they was going to get back in contact  
 19 with me containing the issue at hand.  
 20 Q. What about when the second set of  
 21 investigators came to see you.  
 22 Did they tell you that there were any  
 23 additional steps that you needed to take to pursue  
 24 your complaint against Officer Ortiz?

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<p>1 A. No.</p> <p>2 Q. What did they tell you?</p> <p>3 A. They told me that they are investigating the</p> <p>4 officer, and if I wanted to go through with the</p> <p>5 charges -- or go through with what he did to me, that</p> <p>6 they will be back in contact with me.</p> <p>7 Q. Was it your understanding at the time that</p> <p>8 that second set of officers came to visit you, that if</p> <p>9 you wanted to pursue charges against Officer Ortiz,</p> <p>10 that you had to do what those investigators told you?</p> <p>11 MR. COYNE: Objection, form and foundation.</p> <p>12 BY MR. FIELD:</p> <p>13 Q. You can answer.</p> <p>14 A. Excuse me?</p> <p>15 Q. Sure. At the time that the second</p> <p>16 investigators came to see you, Montanez and the other</p> <p>17 investigator, was it your understanding that if you</p> <p>18 wanted to pursue charges against Officer Ortiz, you</p> <p>19 had to listen to what those investigators told you to</p> <p>20 do?</p> <p>21 MR. COYNE: Same objection.</p> <p>22 THE WITNESS: Yes.</p> <p>23 MR. FIELD: That's it for me.</p> <p>24 MR. COYNE: I don't have anything.</p> <p style="text-align: right;">93</p>	<p>1 STATE OF ILLINOIS )</p> <p>2 ) SS:</p> <p>3 COUNTY OF COOK )</p> <p>4</p> <p>5 I, Pamela L. Cosentino, Certified Shorthand</p> <p>6 Reporter in the State of Illinois, do hereby certify</p> <p>7 that on the 7th of March, A.D., 2017, the deposition</p> <p>8 of the witness, LITROY BOLTON, called by the</p> <p>9 Defendants, was taken before me, reported</p> <p>10 stenographically and was thereafter reduced to</p> <p>11 typewriting through computer-aided transcription.</p> <p>12 The said witness, LITROY BOLTON, was first</p> <p>13 duly sworn to tell the truth, the whole truth, and</p> <p>14 nothing but the truth, and was then examined upon oral</p> <p>15 interrogatories.</p> <p>16 I further certify that the foregoing is a</p> <p>17 true, accurate and complete record of the questions</p> <p>18 asked of and answers made by the said witness, at the</p> <p>19 time and place hereinabove referred to.</p> <p>20 The signature of the witness was waived by</p> <p>21 agreement.</p> <p>22 The undersigned is not interested in the</p> <p>23 within case, nor of kin or counsel to any of the</p> <p>24 parties.</p> <p style="text-align: right;">95</p>
<p>1 MR. FIELD: We'll waive.</p> <p>2 (FURTHER DEPONENT SAITH NOT.)</p> <p>3 (Whereupon the deposition</p> <p>4 concluded at 3:12 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">94</p>	<p>1 IN TESTIMONY WHEREOF: I have hereunto set my</p> <p>2 verified digital signature this 14th of July, 2017.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 </p> <p>8 Pamela L. Cosentino, CSR</p> <p>9</p> <p>10 License No. 084-003601</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">96</p>



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<b>Exhibits</b>	80:23 84:1 91:6	<b>Affairs/inspector</b>	<b>attempting</b>	<b>believed</b>	<b>care</b>
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	53:18	<b>agreed</b>	62:14 66:24 67:19,	<b>biological</b>	65:24 67:17 68:13,
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<b>-57</b>		<b>Allegations</b>	86:2,12 92:11	<b>bit</b>	20:11
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<b>10</b>		10:24 12:1,5 40:9	<b>aware</b>	28:16 31:21 33:3,8,	12,14,17,18 30:12,
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11:5		<b>altogether</b>	<b>B</b>	4:3,9,14 5:7 7:5 8:10	51:10,19 53:4 54:8,
<b>11</b>		65:4		15:5 43:20,24 44:1	10
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# Transcript of Rodrigo Ramos

**Date:** March 22, 2017

**Case:** Bolton -v- The Sheriff of Cook County, et al.

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**EXHIBIT**

*C*

Transcript of Rodrigo Ramos  
Conducted on March 22, 2017

1 (1 to 4)

1	UNITED STATES DISTRICT COURT	1	Deposition of RODRIGO RAMOS, held at the
2	NORTHERN DISTRICT OF ILLINOIS	2	location of:
3	EASTERN DIVISION	3	
4	-----x	4	LOEVY & LOEVY
5	LITROY BOLTON, :	5	311 North Aberdeen, 3rd Floor
6	Plaintiff, :	6	Chicago, Illinois 60607
7	v. :	7	(312) 243-5900
8	THE SHERIFF OF COOK :	8	
9	COUNTY, individually and :	9	
10	in his official capacity; :	10	
11	COOK COUNTY; DR. NNEKA :	11	
12	JONES TAPIA; : Case No. 16 CV 5012	12	
13	(Caption continued on next page)	13	Pursuant to notice before Tiffany M. Pietrzyk, a
14		14	Certified Shorthand Reporter, Registered
15	Deposition of RODRIGO RAMOS	15	Professional Reporter, and a Notary Public in and
16	Chicago, Illinois	16	for the State of Illinois.
17	Wednesday, March 22, 2017	17	
18	2:03 p.m.	18	
19		19	
20		20	
21		21	
22	Job No.: 139309	22	
23	Pages: 1 - 84	23	
24	Reported by: Tiffany M. Pietrzyk, CSR RPR	24	
2		4	
1	(Caption continued from previous page)	1	APPEARANCES
2	DR. NNEKA JONES TAPIA, :	2	
3	individually and in her :	3	ON BEHALF OF THE PLAINTIFF:
4	official capacity as :	4	VINCENZO FIELD, ESQUIRE
5	Executive Director of the :	5	LOEVY & LOEVY
6	Cook County Department of :	6	311 North Aberdeen Street
7	Corrections; JAMES CIUKAJ; :	7	3rd Floor
8	Correctional Officers :	8	Chicago, Illinois 60607
9	MIGUEL ORTIZ, RODRIGO :	9	(312) 243-5900
10	RAMOS, CODY LETTIERE, :	10	
11	CHRISTOPHER IVORY and :	11	ON BEHALF OF THE DEFENDANTS:
12	UNKNOWN EMPLOYEES OF COOK :	12	MEGAN MCGRATH, ESQUIRE
13	COUNTY JAIL; Internal :	13	COOK COUNTY STATE'S ATTORNEY'S OFFICE
14	Affairs Investigator :	14	500 Daley Center
15	JUAN F. DIAZ; Internal :	15	50 West Washington Street
16	Affairs Investigator :	16	Chicago, Illinois 60602
17	ESTHER MONTANEZ; UNKNOWN :	17	(312) 603-5967
18	EMPLOYEES OF COOK COUNTY; :	18	
19	UNKNOWN EMPLOYEES OF THE :	19	
20	OFFICE OF PROFESSIONAL :	20	
21	REVIEW OF THE COOK COUNTY :	21	
22	SHERIFF'S OFFICE; :	22	
23	Defendants. :	23	
24	-----x	24	

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Conducted on March 22, 2017

10 (37 to 40)

<p>37</p> <p>1 superintendent at any point after that day?</p> <p>2 A. No.</p> <p>3 Q. What about with anybody -- well, let me ask</p> <p>4 you this first: Have you reviewed the video again</p> <p>5 at any point since the time you reviewed it with the</p> <p>6 superintendent?</p> <p>7 A. No.</p> <p>8 Q. Have you discussed the video with anyone</p> <p>9 since that day that you reviewed it with the</p> <p>10 superintendent?</p> <p>11 A. Yes.</p> <p>12 Q. Who did you discuss the video with?</p> <p>13 A. My commander.</p> <p>14 Q. Who is your commander?</p> <p>15 A. Dominguez, Commander Dominguez.</p> <p>16 Q. Anyone else?</p> <p>17 A. That's it.</p> <p>18 Q. When did you discuss the video with</p> <p>19 Commander Dominguez?</p> <p>20 A. I don't recall the exact date or time frame.</p> <p>21 Q. Well, was it shortly after the incident</p> <p>22 itself or --</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall the conversation that you had</p>	<p>39</p> <p>1 A. I didn't tell him.</p> <p>2 Q. Did you -- beyond telling</p> <p>3 Commander Dominguez that Mr. Bolton had been taken</p> <p>4 to the ground by Officer Ortiz, did you provide any</p> <p>5 other details about Officer Ortiz's actions towards</p> <p>6 Mr. Bolton?</p> <p>7 A. No.</p> <p>8 Q. Did Commander Dominguez ask you about</p> <p>9 whether or not Officer Ortiz had struck Mr. Bolton?</p> <p>10 A. No, because he seen it on the video.</p> <p>11 Q. During the incident itself, did you witness</p> <p>12 Officer Ortiz strike Mr. Bolton?</p> <p>13 A. I did.</p> <p>14 Q. We got off track a little bit. I want to go</p> <p>15 back to you started to describe the incident itself.</p> <p>16 We got to the point where you went back into the</p> <p>17 tier, made a phone call to classification.</p> <p>18 I believe your testimony was that you</p> <p>19 confirmed that the inmate could be placed in that</p> <p>20 cell; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then you came back out of the tier; is</p> <p>23 that right?</p> <p>24 A. That's correct.</p>
<p>38</p> <p>1 with Commander Dominguez about the video?</p> <p>2 A. I don't recall the conversation.</p> <p>3 Q. Do you recall any of the details of that</p> <p>4 conversation whatsoever?</p> <p>5 A. Yeah. We just talked about the incident</p> <p>6 itself and the -- what was seen on the video and the</p> <p>7 incident itself.</p> <p>8 Q. Okay. Did you bring up the issue, or did</p> <p>9 Commander Dominguez bring it up?</p> <p>10 A. Commander Dominguez.</p> <p>11 Q. And what did Commander Dominguez want to</p> <p>12 know about the video?</p> <p>13 A. He -- I basically -- he basically wanted to</p> <p>14 know what occurred in the situation, what occurred.</p> <p>15 Q. And what did you tell Commander Dominguez?</p> <p>16 A. Exactly what was on my report that I stated</p> <p>17 earlier to you.</p> <p>18 Q. Which was?</p> <p>19 A. That the inmate was refusing housing and</p> <p>20 that another officer got involved, which was</p> <p>21 Officer Ortiz -- got involved, and the inmate was</p> <p>22 taken down to the ground.</p> <p>23 Q. Did you indicate to Commander Dominguez that</p> <p>24 Officer Ortiz punched Mr. Bolton?</p>	<p>40</p> <p>1 Q. And who did you inform that the inmate or</p> <p>2 that Mr. Bolton could be placed in that cell?</p> <p>3 A. The inmate, Ivory, and Ortiz. We were all</p> <p>4 present outside the tier.</p> <p>5 Q. And did Officer Ivory say anything to you at</p> <p>6 that point when you said that the classification had</p> <p>7 confirmed that you could put the inmate in that</p> <p>8 cell?</p> <p>9 A. I don't remember.</p> <p>10 Q. What about Officer Ortiz? Did he say</p> <p>11 anything?</p> <p>12 A. I believe he told the inmate that he</p> <p>13 couldn't refuse because the inmate was continuing to</p> <p>14 refuse. He was asking to speak to a sergeant --</p> <p>15 Q. Okay.</p> <p>16 A. -- at that point.</p> <p>17 Q. Mr. Bolton was asking to speak to a</p> <p>18 sergeant?</p> <p>19 A. Yes.</p> <p>20 Q. And Officer Ortiz told him that he could not</p> <p>21 refuse to go into the cell; is that correct?</p> <p>22 A. I believe -- I don't recall the words. I</p> <p>23 don't recall the statement that was being --</p> <p>24 Q. But in some way he told him that he was</p>

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Conducted on March 22, 2017

11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 going to be put in that cell?</p> <p>2 A. I don't recall.</p> <p>3 Q. Well, I think you indicated a minute ago</p> <p>4 that Officer Ortiz said something about the inmate</p> <p>5 having to go into that cell, so I just -- I'm just</p> <p>6 trying to figure out what exactly it is that you</p> <p>7 remember.</p> <p>8 A. I don't remember the exact words, but I</p> <p>9 believe he was told he couldn't refuse housing.</p> <p>10 Q. And that was from Officer Ortiz?</p> <p>11 A. Yes.</p> <p>12 Q. As part of your assignment that day, was it</p> <p>13 your responsibility to put Mr. Bolton in the cell</p> <p>14 that he was assigned to?</p> <p>15 A. Yes.</p> <p>16 Q. It wasn't Officer Ortiz's assignment; is</p> <p>17 that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. When Mr. Bolton asked to speak to a</p> <p>20 sergeant, whose responsibility was it at that point</p> <p>21 to determine whether or not a sergeant should be</p> <p>22 contacted?</p> <p>23 A. That would be my responsibility.</p> <p>24 Q. And at any point before the incident itself</p>	<p style="text-align: right;">43</p> <p>1 Q. And, in fact, that's what you planned to do,</p> <p>2 to call the sergeant; is that correct?</p> <p>3 A. I'm assuming at the time, yes.</p> <p>4 Q. When you say you're assuming at the time,</p> <p>5 what do you mean by that?</p> <p>6 A. The way the incident played out, yes, I</p> <p>7 would have called the sergeant.</p> <p>8 Q. And had you been given the opportunity to do</p> <p>9 so without any other officer acting, you would have</p> <p>10 done so; is that fair to say?</p> <p>11 MR. COYNE: Same objection.</p> <p>12 MS. McGRATH: Joined.</p> <p>13 A. That's fair to say, yes.</p> <p>14 Q. After you came out of the tier to indicate</p> <p>15 that classification had cleared the cell, did you</p> <p>16 say anything to Mr. Bolton beyond what you've</p> <p>17 already testified to?</p> <p>18 A. No.</p> <p>19 Q. Did Mr. Bolton say anything to you beyond</p> <p>20 what you've already testified to about asking for a</p> <p>21 sergeant?</p> <p>22 A. No.</p> <p>23 Q. Did Officer Ortiz -- again, this is after</p> <p>24 you've come out of the tier to indicate that</p>
<p style="text-align: right;">42</p> <p>1 where Officer Ortiz took Mr. Bolton to the ground,</p> <p>2 had you made a decision one way or the other about</p> <p>3 contacting a sergeant?</p> <p>4 A. Yes.</p> <p>5 Q. What decision had you made?</p> <p>6 A. I was going to call the sergeant.</p> <p>7 Q. Fair to say then that Officer Ortiz acted</p> <p>8 before you had an opportunity to call the sergeant?</p> <p>9 A. Yes.</p> <p>10 Q. Fair to say that if left to you, you would</p> <p>11 have attempted to call the sergeant rather than</p> <p>12 attempting to take Mr. Bolton to the ground; is that</p> <p>13 correct?</p> <p>14 MR. COYNE: Objection. Foundation,</p> <p>15 speculation.</p> <p>16 MS. McGRATH: Joined.</p> <p>17 A. Can you ask that again?</p> <p>18 Q. Fair to say that if it was left up to you to</p> <p>19 handle the situation on your own, that you would</p> <p>20 have called the sergeant rather than attempting to</p> <p>21 take Mr. Bolton to the ground based on the situation</p> <p>22 presented to you?</p> <p>23 MR. COYNE: Same objection.</p> <p>24 A. Sure, yes.</p>	<p style="text-align: right;">44</p> <p>1 classification had cleared the cell.</p> <p>2 Did Officer Ortiz -- beyond what you've</p> <p>3 already testified to, do you recall if Officer Ortiz</p> <p>4 said anything else to Mr. Bolton?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you recall Mr. Bolton saying anything</p> <p>7 else, beyond what you've already testified to, to</p> <p>8 Officer Ortiz?</p> <p>9 A. They had a discussion but I just don't</p> <p>10 recall the exact words of the conversation that they</p> <p>11 had.</p> <p>12 Q. So you recall there being a conversation;</p> <p>13 but as you sit here today, you don't recall the</p> <p>14 content of that conversation; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you recall if Officer Ivory had said</p> <p>17 anything to Mr. Bolton again after you came out of</p> <p>18 the tier and cleared the cell?</p> <p>19 A. I believe he did not.</p> <p>20 Q. And do you recall if Mr. Bolton said</p> <p>21 anything to Officer Ivory at that point?</p> <p>22 A. I have no -- I don't remember.</p> <p>23 Q. So I've gotten to the point where you've</p> <p>24 come out of the cell. You indicated to everyone</p>

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Conducted on March 22, 2017

12 (45 to 48)

<p>45</p> <p>1 that the cell was clear and Mr. Bolton has indicated</p> <p>2 that he still wants a sergeant called and he does</p> <p>3 not want to go into that cell.</p> <p>4 Can you describe to me, based on your memory</p> <p>5 as you sit here today, what happened next?</p> <p>6 A. I'm sorry. Yes. Ortiz went to grab</p> <p>7 Inmate Bolton by the elbow to secure him, and Bolton</p> <p>8 went and threw himself on the floor. That's when</p> <p>9 Ortiz went on top of Bolton. Ivory went to secure</p> <p>10 his legs. I walked around to assist in securing the</p> <p>11 inmate.</p> <p>12 Q. When Mr. Bolton went to the floor, was he on</p> <p>13 his back or his stomach?</p> <p>14 A. His stomach.</p> <p>15 Q. When Mr. Bolton went to the floor, did he</p> <p>16 put his arms behind his back?</p> <p>17 A. No, he did not.</p> <p>18 Q. Well, when you went to handcuff Mr. Bolton,</p> <p>19 did you have to struggle with him to handcuff him?</p> <p>20 A. We did.</p> <p>21 Q. So you said you viewed the video; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. So your testimony as you sit here today is</p>	<p>47</p> <p>1 Q. When Mr. Bolton was on the ground, did you</p> <p>2 strike him in any way?</p> <p>3 A. No.</p> <p>4 Q. Did Officer Ivory -- based on what you</p> <p>5 witnessed, did Officer Ivory strike Mr. Bolton in</p> <p>6 any way?</p> <p>7 A. No.</p> <p>8 Q. When you were handcuffing Mr. Bolton, did</p> <p>9 you feel like in any way that you needed to strike</p> <p>10 him in order to handcuff him?</p> <p>11 A. No.</p> <p>12 Q. In fact, you were able to handcuff him</p> <p>13 without striking him; isn't that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. The only officer on the scene to strike</p> <p>16 Mr. Bolton was Officer Ortiz; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And your testimony is that you witnessed</p> <p>19 Officer Ortiz striking Mr. Bolton; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. How many times did you see Officer Ortiz hit</p> <p>22 Mr. Bolton?</p> <p>23 A. I don't recall how many times.</p> <p>24 Q. Do you recall whether he hit him with a</p>
<p>46</p> <p>1 that video will show you struggling with Mr. Bolton</p> <p>2 to handcuff him; is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. But your testimony is that when Mr. Bolton</p> <p>5 went to the ground, he was on his stomach, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. I'm going to ask you a hypothetical. Take</p> <p>8 Officer Ortiz out of the picture altogether.</p> <p>9 Based on everything we've talked about up</p> <p>10 until this point, if, before you had a chance to</p> <p>11 call the sergeant, if Mr. Bolton had just thrown</p> <p>12 himself to the ground on his stomach, would it have</p> <p>13 been an appropriate use of force on your part to</p> <p>14 handcuff Mr. Bolton after he threw himself on the</p> <p>15 ground?</p> <p>16 MR. COYNE: Objection. Form, foundation.</p> <p>17 MS. McGRATH: Same objections. Calls for</p> <p>18 speculation.</p> <p>19 A. Yes.</p> <p>20 Q. It would have, correct? The use-of-force</p> <p>21 training you received as an officer would have</p> <p>22 allowed you to do that, correct?</p> <p>23 MR. COYNE: Same objection.</p> <p>24 A. To handcuff him, yes.</p>	<p>48</p> <p>1 closed or open fist?</p> <p>2 A. I don't recall.</p> <p>3 Q. And that's -- you've reviewed the video,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Even based on your review of the video, as</p> <p>7 you sit here today, you don't recall; is that</p> <p>8 correct?</p> <p>9 A. I don't remember the video itself right now.</p> <p>10 Q. When you were handcuffing Mr. Bolton, did</p> <p>11 you say anything to him that you can remember?</p> <p>12 A. Yeah. I asked him to give up his hands.</p> <p>13 Q. Okay. Did he say anything to you?</p> <p>14 A. No.</p> <p>15 Q. Do you recall if Officer Ivory said anything</p> <p>16 to Mr. Bolton while you were attempting to handcuff</p> <p>17 him?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall -- during the period of time</p> <p>20 that you were attempting to handcuff Mr. Bolton, do</p> <p>21 you recall him saying anything at all during that</p> <p>22 period?</p> <p>23 A. No.</p> <p>24 Q. Do you recall if Officer Ortiz said anything</p>

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# Transcript of SGT. James Ciukaj, Jr.

**Date:** March 21, 2017

**Case:** Bolton -v- The Sheriff of Cook County, et al.

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Transcript of SGT. James Ciukaj, Jr.  
Conducted on March 21, 2017

1 (1 to 4)

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION</p> <p>4 LITROY BOLTON, ) 5 Plaintiff, ) 6 v. ) No. 16-cv-5012</p> <p>7 THE SHERIFF OF COOK COUNTY, ) 8 individually and in his official ) 9 capacity; COOK COUNTY; DR. NNEKA ) 10 JONES TAPIA, individually and in ) 11 her official capacity as ) 12 Executive Director of the Cook ) 13 County Department of Corrections; ) 14 SGT. JAMES CIUKAJ; Correctional ) 15 Officers MIGUEL ORTIZ, RODRIGO ) 16 RAMOS, CODY LETTIERE, ) 17 CHRISTOPHER IVORY and UNKNOWN ) 18 EMPLOYEES OF COOK COUNTY JAIL; ) 19 Internal Affairs Investigator ) 20 JULIAN DIAZ; Internal Affairs ) 21 Investigator ESTHER MONTANEZ; ) 22 UNKNOWN EMPLOYEES OF COOK ) 23 COUNTY; UNKNOWN EMPLOYEES OF ) 24 THE OFFICE OF PROFESSIONAL ) REVIEW OF THE COOK COUNTY )</p> <p>16 SHERIFF'S OFFICE, ) 17 Defendants. )</p> <p>18 The deposition of SGT. JAMES CIUKAJ, JR., 19 taken before David J. Demski, Certified Shorthand 20 Reporter, and Notary Public, pursuant to the 21 provisions of the Rules of Civil Procedure of the 22 State of Illinois and the Rules of the Supreme Court 23 thereof, pertaining to the taking of depositions 24 for the purpose of discovery, at the Law Offices of Loevy &amp; Loevy, 311 North Aberdeen Street, Chicago, Illinois, at 2:00 p.m. on Tuesday, March 21, 2017.</p>	<p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 SGT. JAMES CIUKAJ, JR.</p> <p>4 Examination by Mr. Field 4 5 Examination by Mr. Coyne 97 6 Reexamination by Mr. Field 100</p> <p>7 E X H I B I T S</p> <p>8 (None Offered)</p>
<p>1 APPEARANCES:</p> <p>2 LOEVY &amp; LOEVY</p> <p>3 BY: MR. VINCENZO FIELD</p> <p>4 311 North Aberdeen Street</p> <p>5 Chicago, Illinois 60607</p> <p>6 (312)243-5900</p> <p>7 E-mail: vince@loevy.com</p> <p>8 Appearing on behalf of the Plaintiff</p> <p>9</p> <p>10 LAW OFFICES OF JOHN C. COYNE</p> <p>11 BY: MR. JOHN C. COYNE</p> <p>12 53 West Jackson Boulevard</p> <p>13 Chicago, Illinois 60604</p> <p>14 (312)583-9500</p> <p>15 E-mail: jcc@johncoynelaw.com</p> <p>16 Appearing on behalf of the Defendants</p> <p>17</p> <p>18 COOK COUNTY STATE'S ATTORNEY</p> <p>19 BY: MS. MEGAN MCGRATH</p> <p>20 500 Richard J. Daley Center</p> <p>21 Chicago, Illinois 60601</p> <p>22 (312)603-5967</p> <p>23 E-mail: meganmcgrath@cookcountyil.gov</p> <p>24 Appearing on behalf of the Defendants</p>	<p>1 SGT. JAMES CIUKAJ, JR.</p> <p>2 having been first duly sworn by the court reporter, 3 was examined and testified on his oath as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. FIELD:</p> <p>6 Q Sergeant, can you please state and spell 7 your full name, for the record?</p> <p>8 A James A. Ciukaj, C-i-u-k-a-j, Jr.</p> <p>9 Q Have you been deposed before?</p> <p>10 A Yes.</p> <p>11 Q How many times have you been deposed 12 before?</p> <p>13 A At least twice.</p> <p>14 Q When was the last time previous to today?</p> <p>15 A A couple years.</p> <p>16 Q Was it in relation to your work at the 17 Cook County Jail?</p> <p>18 A I'm trying to remember. I work for 19 another police department so it was probably for 20 that. No, I've not been -- anything here at Cook 21 County Jail.</p> <p>22 Q I know you said you've been deposed a 23 couple times before. I'll just go over the basic 24 ground rules so we can get through this as quickly</p>

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## Transcript of SGT. James Ciukaj, Jr.

13 (49 to 52)

Conducted on March 21, 2017

<p>49</p> <p>1 boxes that they checked off the first page of the</p> <p>2 report with their narrative on the second page, is</p> <p>3 that correct?</p> <p>4 <b>A Correct.</b></p> <p>5 Q Looking at page 21. Does Officer Ramos</p> <p>6 include any description in his narrative of the</p> <p>7 punches that were delivered to Mr. Bolton by</p> <p>8 Officer Ortiz?</p> <p>9 <b>A No.</b></p> <p>10 Q Fair to say that per the jail's policy,</p> <p>11 he should have included a description of that,</p> <p>12 Officer Ortiz's punches onto Mr. Bolton?</p> <p>13 <b>A It would be speculation. I don't know if</b></p> <p>14 <b>he saw it. So if he saw it, yes, but right now it's</b></p> <p>15 <b>speculation. I don't know what Officer Ramos had</b></p> <p>16 <b>saw.</b></p> <p>17 Q But your testimony as you sit here today</p> <p>18 is that if he witnessed Officer Ortiz strike</p> <p>19 Mr. Bolton, that he should have included that in</p> <p>20 his narrative on this response to resistance use of</p> <p>21 force form, is that correct, if he witnessed it?</p> <p>22 <b>A Correct.</b></p> <p>23 Q And if he witnessed it and he did not</p> <p>24 include it in his narrative, that would have been</p>	<p>51</p> <p>1 Q That's why I was asking about</p> <p>2 officer -- I apologize. I probably didn't ask the</p> <p>3 question correctly.</p> <p>4 <b>A Well, no, actually you asked me if he put</b></p> <p>5 <b>it in here. And if he didn't see it then, no, it</b></p> <p>6 <b>would not be in here. So, you know, I can't</b></p> <p>7 <b>speculate what they saw. I can only go by what they</b></p> <p>8 <b>memorialized and wrote on paper right now.</b></p> <p>9 Q Sure. But just to be clear, again I</p> <p>10 think it was because I didn't ask the question</p> <p>11 correctly. But if Officer Ivory never struck</p> <p>12 Mr. Bolton with a closed fist, he was under no</p> <p>13 obligation to indicate on this form, to check out</p> <p>14 closed punch, hand strike punch, is that correct?</p> <p>15 <b>A That's correct.</b></p> <p>16 Q Because that was not his response?</p> <p>17 <b>A That's correct.</b></p> <p>18 Q Okay. I understand your testimony is</p> <p>19 that if he did not witness Officer Ortiz punching</p> <p>20 Mr. Bolton, he would not have to include that in</p> <p>21 his narrative, correct?</p> <p>22 <b>A That's correct.</b></p> <p>23 Q Because the narrative is only for what</p> <p>24 that particular officer witnessed?</p>
<p>50</p> <p>1 a violation of the jail's policy, is that correct?</p> <p>2 <b>A Correct.</b></p> <p>3 Q If we go to page 26 and 27, the response</p> <p>4 to resistance use of force form for Officer Ivory</p> <p>5 that we went through a couple of minutes ago,</p> <p>6 looking at page 27. Does Officer Ivory include in</p> <p>7 his narrative any description of the strikes that</p> <p>8 were delivered to Mr. Bolton by Officer Ortiz?</p> <p>9 <b>A No.</b></p> <p>10 Q And just to be clear. Again because</p> <p>11 Officer Ivory did not strike Mr. Bolton with a</p> <p>12 closed fist, he had no -- he was under no</p> <p>13 requirement for checking off closed hand strike</p> <p>14 punch on his own use of force report form, is that</p> <p>15 correct?</p> <p>16 <b>A Maybe he didn't see it. I don't know,</b></p> <p>17 <b>it's speculation at this point.</b></p> <p>18 Q So maybe I was assuming -- I was assuming</p> <p>19 too much. Going back to Officer Ramos. If he had</p> <p>20 scene Officer Ortiz punching Mr. Bolton, was he</p> <p>21 required to check off on his use of force report</p> <p>22 closed hand strike punch?</p> <p>23 <b>A No. Because he did not do that closed</b></p> <p>24 <b>hand strike punch.</b></p>	<p>52</p> <p>1 <b>A That's correct.</b></p> <p>2 Q But similar -- the same question as I</p> <p>3 asked you about Officer Ramos. If Officer Ivory</p> <p>4 witnessed Officer Ortiz punching Mr. Bolton and he</p> <p>5 did not include that information in his narrative,</p> <p>6 that would be a violation of the jail's policy,</p> <p>7 correct, again, if he witnessed it?</p> <p>8 <b>A If he witnessed it, sure.</b></p> <p>9 Q When you review these forms -- well, let</p> <p>10 me ask this first just to be clear. You were not</p> <p>11 on the scene when this incident with Mr. Bolton</p> <p>12 occurred, correct?</p> <p>13 <b>A That's correct.</b></p> <p>14 Q So when you review these forms, you don't</p> <p>15 know one way or another what each of the particular</p> <p>16 officers witnessed, is that correct?</p> <p>17 <b>A That's correct.</b></p> <p>18 Q When you review these forms do you speak</p> <p>19 to the officers at all while you're reviewing them?</p> <p>20 <b>A Not while I'm reviewing them.</b></p> <p>21 Q Do you recall when you reviewed Officer</p> <p>22 Ortiz's form in this case? I know again it's going</p> <p>23 back a couple of years. As you sit here today, do</p> <p>24 you recall reviewing that form?</p>

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